

**DEPARTMENT OF
CITY PLANNING**

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Mailing Date: April 1, 2020

Appeal Period Ends: April 10, 2020

Rossano De Cottis (O)(A)
ONNI Times Square LP
315 West 9th Street, Suite 801
Los Angeles, CA 90015

Dale Goldsmith (R)
Armbruster, Goldsmith and Delvac LLP
12100 Wilshire Boulevard, Suite 1600
Los Angeles, CA 90025

RE: Vesting Tentative Tract Map No.: 74761
Address: 121 – 147 S. Spring Street; 100 – 142
S. Broadway; 202 – 234 W. 1st Street; 205 – 221
W. 2nd Street
Community Plan: Central City
Plan Overlay: SN – Historic Broadway Sign
District
Zone: C2-4D-SN
Council District: 14 – Huizar
CEQA No.: ENV-2016-4676-EIR

Pursuant to Sections 21082.1(c) and 21081.6 of the Public Resources Code, the Advisory Agency has reviewed and considered the information contained in the Environmental Impact Report prepared for this project, which includes the Draft EIR, No. ENV-2016-4676-EIR (State Clearinghouse House No. 2017061083), dated March 2019, the Final EIR, dated September 2019, and the Errata, dated March 2020 (Times Mirror Square Project EIR), as well as the whole of the administrative record, and

CERTIFIED the following:

- 1) The Times Mirror Square Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
- 2) The Times Mirror Square Project EIR was presented to the Advisory Agency as a decision-making body of the lead agency; and
- 3) The Times Mirror Square Project EIR reflects the independent judgment and analysis of the lead agency.

ADOPTED the following:

- 1) The related and prepared Times Mirror Square Project EIR Environmental Findings;
- 2) The Statement of Overriding Considerations; and
- 3) The Mitigation Monitoring Program prepared for the Times Mirror Square Project EIR.

Pursuant to Section 17.15 of the Los Angeles Municipal Code (LAMC), the Advisory Agency
APPROVED:

Vesting Tentative Tract Map No. 74761 (map stamp-dated June 28, 2018), located at
121 – 147 S. Spring Street, 100 – 142 S. Broadway, 202 – 234 W. 1st Street, and 205 –

221 W. 2nd Street for the merger of a portion of public right of way along Broadway and resubdivision of the project site into **nine lots for condominium purposes** for a mixed-use project containing up to 1,127 residential units and up to 34,572 square feet of new commercial floor area, and a haul route for the export of up to 364,000 cubic yards of soils.

The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning code as it applies to this particular property. For an appointment with the Development Services Center call (213) 482-7077, (818) 374-5050, or (310) 231-2901.

The Advisory Agency's consideration is subject to the following conditions:

The final map must record within 36 months of this approval, unless a time extension is granted before the end of such period.

NOTE on clearing conditions: When two or more **agencies** must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review.

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

(Additional BOE Improvement Conditions are listed in "Standard Condition" section on page 11)

1. That a 2-foot wide strip of land be dedicated along 2nd Street adjoining proposed Lot No.7 including a 15-foot by 15-foot property line cut corners or a 20-foot radius property line at the intersection with Broadway.
2. That a 6-foot wide public sidewalk easement be provided along 1st Street adjoining the tract in accordance with Downtown Street Standards.
3. That a 5-foot wide public sidewalk easement be provided along Broadway from the new property line after the street merger area in accordance with Downtown Street Standards.
4. That the City Department of Transportation after approval of the tentative tract by Planning Department in a letter to City Engineer shall determine that the merger area is not necessary for future Public Street.
5. That Department of the City Planning also determine that the proposed merger area is consistent with all applicable General Plan Elements of Highway and Circulation Elements for LA Mobility Plan.
6. In the event that Department of Transportation has no objection to the street merger then a 5-foot wide existing public right- of-way (40-foot measured from centerline of Broadway) excluding the cut corner at the intersection with 2nd Street and as shown on the tentative tract map stamp dated June 28, 2018 be permitted to be merged with the remainder of the tract map pursuant to Section 66499.20.2 of the State Government Code, and in addition, the following conditions be exe the applicant and administered by the City Engineer:

- a. That consents to the street being merged and waivers of any damages that may accrue as a result of such mergers be obtained from all property owners who might have certain rights in the area being merged.
 - b. That satisfactory arrangements be made with all public utility agencies maintaining existing facilities within the area being merged.
7. That any surcharge fee in conjunction with the street merger requests be paid.
8. That the subdivider make a request to the Central District Office of the Bureau of Engineering to determine the capacity of existing sewers in this area.
9. That a set of drawings for airspace lots be submitted to the City Engineer showing the following:
 - a. Plan view at different elevations.
 - b. Isometric views.
 - c. Elevation views.
 - d. Section cuts at all locations where air space lot boundaries change.
10. That the owners of the property record an agreement satisfactory to the City Engineer stating that they will grant the necessary private easements for ingress and egress purposes to serve proposed airspace lots to use upon the sale of the respective lots and they will maintain the private easements free and clear of obstructions and in safe conditions for use at all times.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

11. Prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall make suitable arrangements to assure compliance, satisfactory to the Department of Building and Safety, Grading Division, with all the requirements and conditions contained in the letter dated January 9, 2017 attached to the case file for Tract No. VTT-74761.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

12. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:
 - a. Obtain permits for the demolition or removal of all existing structures on the site. Accessory structures and uses are not permitted to remain on lots without a main structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work.
 - b. Provide a copy of affidavits AFF-36889 and AF-90-1466762-MB. Show compliance with all the conditions/requirements of the above affidavits as applicable. Termination of above affidavits may be required after the Map has been recorded. Obtain approval from the Department, on the termination form, prior to recording.

- c. Provide a copy of CPC case CPC-2016-4675-TDR-VCU-MCUP. Show compliance with all the conditions/requirements of the CPC case as applicable.
- d. Show all street dedication as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication.

Notes:

The submitted Map may not comply with the number of guest parking spaces required by the Advisory Agency.

The proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health or safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect at the time the subdivision application was deemed complete. Plan check will be required before any construction, occupancy or change of use.

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Laura Duong at (213) 482-0434 to schedule an appointment.

BUREAU OF STREET LIGHTING

- 13. Prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.

DEPARTMENT OF TRANSPORTATION

- 14. That the project be subject to any recommendations from the Department of Transportation.

FIRE DEPARTMENT

- 15. Prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following:
 - a. Submittal of plot plans for Fire Department review and approval prior to recordation of Tract Map Action.

DEPARTMENT OF WATER AND POWER

16. Arrangements shall be made for compliance with the Los Angeles Department of Water and Power (LADWP) Water System Rules and requirements, satisfactory to the LADWP memo dated July 26, 2018. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1.(c).)

DEPARTMENT OF RECREATION AND PARKS

17. That the Quimby Fee be based on the C2 Zone. Note: since this tract case is vested, the Project is not subject to the update in RAP fees per Ordinance No.184,505.

BUREAU OF SANITATION

18. Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

INFORMATION TECHNOLOGY AGENCY

19. To assure that cable television facilities will be installed in the same manner as other required improvements, please email cabletv.ita@lacity.org that provides an automated response with the instructions on how to obtain the Cable TV clearance. The automated response also provides the email address of 3 people in case the applicant/owner has any additional questions.

URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

20. Prior to the issuance of a grading permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the Department of City Planning. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

Note: Removal of all trees in the public right-of-way shall require approval of the Board of Public Works. Contact: Urban Forestry Division at: (213) 485-5675. Failure to comply with this condition as written shall require the filing of a modification to this tract map in order to clear the condition.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

21. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

- a. Limit the proposed development to nine lots for condominium purposes.
 - b. Off-street parking for residential and commercial uses shall comply with the requirements of Case No. CPC-2016-4675-TDR-VCU-MCUP. In the event that Case No. CPC-2016-4675-TDR-VCU-MCUP is not approved, the project shall comply with LAMC Section 12.21-A,4.
 - c. The applicant shall install an air filters capable of achieving a Minimum Efficiency Rating Value (MERV) of at least 13 or better.
 - d. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
 - e. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
 - f. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.
 - g. The applicant shall install shielded lighting to reduce any potential illumination affecting adjacent properties.
22. Prior to the issuance of the building permit or the recordation of the final map, a copy of CPC-2016-4675-TDR-VCU-MCUP shall be submitted to the satisfaction of the Advisory Agency. In the event CPC-2016-4675-TDR-VCU-MCUP is not approved, the subdivider shall submit a tract modification.
23. The Project shall comply with the Downtown Street Standards, including all applicable public sidewalk easements.
24. Haul Route Conditions
- a. Loaded haul vehicles traveling from the project site shall travel via the following haul route.
 - i. Loaded haul vehicles traveling from the project site shall exit the site by turning right onto Broadway, turn right to travel east on W. 1st Street, turn left on northbound Main Street, turn right on Aliso Street, and merge onto the southbound US-101 freeway.
 - b. Empty haul vehicles traveling to the project site facility shall travel via the following haul route:
 - i. Empty haul vehicles traveling to the project site shall exit the northbound US-101 freeway onto Los Angeles Street, travel south to 2nd Street, turn right onto westbound W. 2nd Street, turn right onto Broadway, and turn right to access the Project Site.
 - c. Hauling hours of operation are restricted to the hours between 7:00 A.M. and 5:00

P.M., Monday through Friday, and between 8:00 A.M. and 6:00 P.M on Saturday.

- i. Notwithstanding the restrictions set forth in Condition No. 23(c), above, the hauling hours of operation for continuous concrete pours may occur outside of the allowable hours of operation for construction activities established by the LAMC, with the express written permission of the Board of Police Commissioners.
 - ii. A maximum of approximately 1,406 daily two-way concrete truck trips will occur during continuous concrete pours.
 - d. No hauling activity shall occur on Sunday.
 - e. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any adjacent residential streets.
 - f. Total net export of material is approximately 364,000 cubic yards.
 - g. "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction.
 - h. A minimum of two flag attendants, each with two-way radios, will be required during hauling hours to assist with staging and getting trucks in and out of the project area. Additional flag attendants may be required by the LADBS Inspector, LADOT, or BOSS to mitigate a hazardous situation (e.g. blind curves, uncontrolled intersections, narrow portions of roads or where obstacles are present). Flag attendants and warning signs shall be in compliance with Part II of the latest Edition of "Work Area Traffic Control Handbook."
 - i. A surety or cash bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Central District Engineering Office, 100 S. Main Street 9th Floor, Los Angeles, CA, 90012. Further information regarding the bond may be obtained by calling 213-972-4990.
25. Tribal Cultural Resource Inadvertent Discovery. In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities¹, all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:
- Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning.

¹ Ground disturbance activities shall include the following: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, auguring, backfilling, blasting, stripping topsoil or a similar activity

- If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Project Permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.
- The project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.
- Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
- Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

26. Indemnification and Reimbursement of Litigation Costs.

Applicant shall do all of the following:

(i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

(ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages,

and/or settlement costs.

(iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

(iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

(v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the applicant otherwise created by this condition.

DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES.

27. The project shall be in substantial conformance with the mitigation measures in the MMP from the Project's Final Environmental Impact Report, and attached to the subject case

file. The implementing and enforcing agencies may determine substantial conformance with mitigation measures in the MMP. If substantial conformance results in effectively deleting or modifying the mitigation measure, the Director of Planning shall provide a written justification supported by substantial evidence as to why the mitigation measure, in whole or in part, is no longer needed and its effective deletion or modification will not result in a new significant impact or a more severe impact to a previously identified significant impact.

If the Project is not in substantial conformance to the adopted mitigation measures or MMP, a modification or deletion shall be treated as a new discretionary action under CEQA Guidelines, Section 15162(c) and will require preparation of an addendum or subsequent CEQA clearance. Under this process, the modification or deletion of a mitigation measure shall not require a Tract Map Modification unless the Director of Planning also finds that the change to the mitigation measures results in a substantial change to the Project or the non-environmental conditions of approval.

DEPARTMENT OF CITY PLANNING - STANDARD CONDOMINIUM CONDITIONS

- C-1. That approval of this tract constitutes approval of model home uses, including a sales office and off-street parking. Where the existing zoning is (T) or (Q) for multiple residential use, no construction or use shall be permitted until the final map has recorded or the proper zone has been effectuated. If models are constructed under this tract approval, the following conditions shall apply:
1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Division of Land Section of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.
 2. All other conditions applying to Model Dwellings under Section 12.22-A, 10 and 11 and Section 17.05-O of the LAMC shall be fully complied with satisfactory to the Department of Building and Safety.
- C-2. Prior to the recordation of the final map, the subdivider shall pay or guarantee the payment of a park and recreation fee based on the latest fee rate schedule applicable. The amount of said fee to be established by the Advisory Agency in accordance with LAMC Section 17.12 and is to be paid and deposited in the trust accounts of the Park and Recreation Fund.
- C-3. Prior to obtaining any grading or building permits before the recordation of the final map, a landscape plan, prepared by a licensed landscape architect, shall be submitted to and approved by the Advisory Agency in accordance with CP-6730.
- In the event the subdivider decides not to request a permit before the recordation of the final map, a covenant and agreement satisfactory to the Advisory Agency guaranteeing the submission of such plan before obtaining any permit shall be recorded.
- C-4. In order to expedite the development, the applicant may apply for a building permit for an apartment building. However, prior to issuance of a building permit for apartments, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the

Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

OR

If a building permit for apartments will not be requested, the project civil engineer, architect or licensed land surveyor must certify in a letter to the Advisory Agency that the applicant will not request a permit for apartments and intends to acquire a building permit for a condominium building(s). Such letter is sufficient to clear this condition.

BUREAU OF ENGINEERING - STANDARD CONDITIONS

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the LAMC.
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.
- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
- (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
- (e) That drainage matters be taken care of satisfactory to the City Engineer.
- (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
- (g) That any required slope easements be dedicated by the final map.
- (h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.
- (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.

- (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
 - (k) That no public street grade exceeds 15%.
 - (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.
- S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:
- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
 - (b) Make satisfactory arrangements with the Department of Transportation with respect to street name, warning, regulatory and guide signs.
 - (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
 - (d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
 - (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.
- S-3. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
 - (b) Construct any necessary drainage facilities.
 - (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting as required below:

Construct new pedestrian lights: six (6) on Broadway, six (6) on 2nd Street, four (4) on 1st Street, and eight (8) on Spring Street. Construct new street light: one (1) on Spring Street. If street widening per BOE improvement conditions, relocate and upgrade street lights; eight (8) on Broadway, four (4) on 2nd Street, and six (6) on 1st Street.

Notes: The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering conditions, requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Street Tree Division (213-485-5675) upon completion of construction to expedite tree planting.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.
- (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
 - a. Reconstruct all the existing sidewalks adjoining 1st Street, Broadway and Spring Street to provide full-width sidewalks with tree wells if necessary all satisfactory to the Central District B-permit Section.
 - b. Improve 2nd Street adjoining the subdivision by the construction of the following:
 - 1. A concrete curb, a concrete gutter, and an 8- foot and 15-foot variable width full-width concrete sidewalk with tree wells.
 - 2. Suitable surfacing to join the existing pavements and to complete a 22-foot half roadway.
 - 3. Any necessary removal and reconstruction of existing improvements.
 - 4. The necessary transitions to join the existing improvements.

NOTES:

The Advisory Agency approval is the maximum number of units permitted under the tract action. However the existing or proposed zoning may not permit this number of units.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with LAMC Section 17.05N.

The final map must record within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

FINDINGS OF FACT (CEQA)

I. INTRODUCTION

The Environmental Impact Report (EIR), consisting of the Draft EIR and the Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and components of the Times Mirror Square Project (Project), located at the city block bounded by W. 1st Street, S. Spring Street, W. 2nd Street, and S. Broadway (Site or Project Site), consisting of construction of two new high-rise mixed-use towers, the 37-story "North Tower" and 53-story "South Tower," along with rehabilitation of three existing buildings, including an eight-story building (Times Building), a four-story building (Plant Building), and a 10-story building (Mirror Building). The North and South Towers, which would be constructed above a five-story parking podium (Podium), would contain a maximum of 1,127 residential units, up to 34,572 square feet of commercial floor area, and a combined floor area of up to 1,135,803 square feet. Overall, including the existing buildings to remain that total up to 376,105 square feet, the Project would comprise up to 1,511,908 square feet of floor area, resulting in a maximum 9.42 Floor Area Ratio (FAR).

II. ENVIRONMENTAL DOCUMENTATION BACKGROUND

The Project was reviewed by the Los Angeles Department of City Planning (serving as Lead Agency) in accordance with the requirements of the California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000, et seq.) and the State's CEQA Guidelines (14 Cal. Code Regs. §15000, et seq.) The City prepared an Initial Study in accordance with CEQA Guidelines Section 15063(a). At the beginning of the environmental review process and pursuant to the provisions of Section 15082 of the State CEQA Guidelines, the City circulated a Notice of Preparation (NOP) to State, regional, and local agencies, and members of the public for a 32-day review period, commencing June 30, 2017 and ending July 31, 2017. The purpose of the NOP was to formally convey that the City was preparing a Draft EIR for the proposed Project, and to solicit input regarding the scope and content of the environmental information to be included in the Draft EIR.

The NOP included notification that a public scoping meeting would be held on July 25, 2017. The meeting was held in an open house format and provided interested individuals, groups, and public

agencies the opportunity to view materials, ask questions, and provide oral and written comments to the City regarding the scope and focus of the Draft EIR as described in the NOP and Initial Study. Written comment letters responding to the NOP were submitted to the City by public agencies and interested individuals and organizations.

The NOP and Initial Study are provided in Appendices A-1 and A-2 of the Draft EIR. Scoping meeting materials and letters and comments received during the comment period and at the scoping meeting are included in Appendices A-3 and A-4, respectively, of the Draft EIR.

The Draft EIR evaluated in detail the potential effects of the Project. It also analyzed the effects of a reasonable range of five alternatives to the Project, including a "No Project" alternative. The Draft EIR for the Project (State Clearinghouse No. 2017061083), incorporated herein by reference in full, was prepared pursuant to CEQA and the State *CEQA Guidelines*. Terms and abbreviations used in these findings but not defined here shall have the meanings given to them in the Draft EIR. The Draft EIR was circulated for a public review period that commenced on March 28, 2019 and was initially set to end on May 13, 2019 (for a total of 47 days). Subsequently, a Notice of Extension was filed on April 1, 2019, which extended the final day of the comment period from May 13, 2019 to May 20, 2019 (a total of 54 days). The Draft EIR was made available for review on the City's website. Copies of the Draft EIR were also made available at four libraries and the Department of City Planning's offices. Notices regarding availability of the Draft EIR were sent to those within a 500-foot radius of the Project Site, as well as individuals who provided comments during the NOP comment period, or requested notice.

During the Draft EIR public review period, the City Planning Department received 12 comment letters on the Draft EIR from agencies, organizations, and individuals through written correspondence and emails. Three additional comments were received after the close of the comment period. Copies of the written comments received are provided in the Final EIR. Pursuant to CEQA Guidelines Section 15088, the City, as Lead Agency, reviewed all comments received during the review period for the Draft EIR and responded to each comment in Section 2, Responses to Comments, of the Final EIR. The City also responded to each of the three comments received after the close of the comment period.

The City published a Final EIR for the Project on September 20, 2019, which is hereby incorporated by reference in full. The Final EIR is intended to serve as an informational document for public agency decision-makers and the general public regarding objectives and components of the Project. The Final EIR includes written responses to all comments received on the Draft EIR during the public review period, as well as any necessary revisions, clarifications, and corrections to the Draft EIR. Responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the Final EIR pursuant to CEQA Guidelines Section 15088(b). In addition, all individuals who commented on the Draft EIR also received a copy of the Final EIR. The Final EIR was also made available for review on the City's website. Copies of the Final EIR were also made available at four libraries and the Department of City Planning's offices. Notices regarding availability of the Final EIR were sent to those within a 500-foot radius of the Project Site, as well as individuals who commented on the Draft EIR, provided comments during the NOP comment period, or requested notice.

A duly noticed public hearing for the Project was held by the Deputy Advisory Agency and the Hearing Officer on behalf of the City Planning Commission on October 16, 2019.

Following publication of the Final EIR, the Lozeau Drury law firm, on behalf of Supporters Alliance for Environmental Responsibility (SAFER), submitted a letter dated October 16, 2019 with

attachments (the Lozeau Drury Letter) providing comments on the EIR. The City caused to have complete responses to these comments prepared (March 2020 Responses) and the responses are available in the subject case file. As detailed therein, the Lozeau Drury Letter does not provide credible evidence that the Project would result in new or substantially increased impacts than what was analyzed in the Draft EIR, that there is significant new information, or that any of the other criteria for recirculation under CEQA Guidelines Section 15088.5 has been met. Therefore, recirculation of the Draft EIR is not required.

As stated on Page II-48 of Chapter II, Project Description, of the Draft EIR, the Project would be constructed in one phase, commencing in 2019, followed by an approximate four-year construction period ending with buildout and occupancy in 2023. Due to the passage of time, Project construction would commence in 2020 and would end with buildout and occupancy in 2024. As set forth in it the March 2020 Errata to the EIR (Errata), this delay in occupancy of one year would not materially change the conclusions of the EIR. Specifically, the Errata demonstrates that this minor change will not result in any new or increased significant impacts, or otherwise require recirculation of the EIR.

The documents and other materials that constitute the record of proceedings on which the City's CEQA findings are based are located at the Department of City Planning, Environmental Review Section, 221 North Figueroa Street, Suite 1350, Los Angeles, California 90012. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2).

III. FINDINGS REQUIRED TO BE MADE BY LEAD AGENCY UNDER CEQA

Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a) require a public agency, prior to approving a project, to identify significant impacts and make one or more of three possible findings for each of the significant impacts.

- A. The first possible finding is that “[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (Public Resources Code Section 21081(a)(1); CEQA Guidelines Section 15091(a)(1)); and
- B. The second possible finding is that “[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.” (Public Resources Code Section 21081(a)(2); CEQA Guidelines Section 15091(a)(2)); and
- C. The third possible finding is that “[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible, the mitigation measures or Project alternatives identified in the final EIR.” (Public Resources Code Section 21081(a)(3); CEQA Guidelines Section 15091(a)(3)).

The findings reported in the following pages incorporate the facts and discussions of the environmental impacts that are found to be significant in the Final EIR for the Project as fully set forth therein. Section 15091(a) of the CEQA Guidelines requires findings to address environmental impacts that an EIR identifies as “significant.” For each of the significant impacts associated with the Project, either before or after mitigation, the following information is provided:

1. Description of Significant Effects – A specific description of the environmental effects identified in the EIR, including a judgment regarding the significance of the impact;
2. Project Design Features – Reference to the identified Project Design Features that are a part of the Project (numbering of the features corresponds to the numbering in the EIR);
3. Mitigation Measures – Reference to the identified mitigation measures or actions that are required as part of the Project to reduce the identified significant impacts (numbering of the mitigation measures correspond to the Mitigation Monitoring Program, which is included as Section 4 of the Final EIR);
4. Finding – One or more of the three specific findings in direct response to Public Resources Section 21081(a) and CEQA Guidelines Section 15091(a);
5. Rationale for Finding – A summary of the reasons for the finding(s); and
6. Reference – A notation on the specific section in the EIR which includes the evidence and discussion of the identified impact.

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, a lead agency, after adopting proper findings based on substantial evidence, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's benefits rendered acceptable its unavoidable adverse environmental effects. (CEQA Guidelines Sections 15093, 15043(b); see also Public Resources Code Section 21081(b).)

IV. DESCRIPTION OF THE PROJECT

As described in Section II., *Project Description*, of the Draft EIR, the Project proposes to preserve and rehabilitate the existing Times, Plant, and Mirror Buildings and demolish the existing Executive Building and parking structure for construction of the new North and South Towers. A proposed Paseo would separate the existing Times, Plant, and Mirror Buildings from the new towers and bisect the Project Site between the W. 1st Street and W. 2nd Street sidewalks. The three buildings to be retained, which have a total existing floor area of approximately 376,105 square feet, currently include office and cafeteria uses and are aligned along S. Spring Street, with frontages along both W. 1st Street and W. 2nd Street. Under the Project, there would be approximately 307,288 square feet of commercial office uses, approximately 18,817 square feet of commercial restaurant uses, and an approximately 50,000 square-foot grocery store. The three retained and rehabilitated historic buildings would be separated from the west side of the block by the Paseo.

The Project's North and South Towers would be constructed over a 5-story Podium and, from street grade, the North Tower would rise 37 stories or approximately 495 feet above grade. The South Tower would rise 53 stories or approximately 665 feet above grade. The North Tower would contain 450 residential units and the South Tower would contain 677 residential units, for a total of 1,127 residential units. Total residential floor area within the two towers would be approximately 1,071,692 square feet. With the addition of open space amenities, lounges, loading areas, and an additional 34,572 square feet of restaurant uses, total new construction

would amount to 1,135,803 square feet. The Project would provide 1,240 bicycle parking spaces for the residential uses and 34 bicycle parking spaces for the commercial uses. The Project is designed for approximately 1,744 vehicle parking spaces in the five-level above-ground Podium and nine-level subterranean parking structure.

V. ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT OR LESS THAN SIGNIFICANT BY THE INITIAL STUDY

The City Planning Department prepared an Initial Study dated June 30, 2017, which is located in Appendix A-2 of the Draft EIR. The City has determined through the Initial Study that there is no substantial evidence that the Project could cause significant environmental effects in the following areas:

- I. Aesthetics**
 - a. Scenic Vista
 - b. Scenic Resources within Scenic Highway
 - c. Degrade Existing Visual Character
 - d. Light or Glare
- II. Agricultural and Forest Resources**
 - a. Farmland
 - b. Existing Zoning for Agricultural Use
 - c. Forest Land or Timberland Zoning
 - d. Loss or Conversion of Forest Land
 - e. Other Changes in the Existing Environment
- III. Air Quality**
 - e. Objectionable Odors
- IV. Biological Resources²**
 - b. Riparian Habitat and Wetlands
 - c. Wetlands
 - d. Movement of any Resident or Migratory Species
 - e. Local Preservation Policies
 - f. Habitat Conservation Plans
- V. Cultural Resources**
 - d. Human Remains
- VI. Geological Resources**
 - a(iv). Landslides
 - e. Septic Tanks
- VIII. Hazards and Hazardous Materials**

² As discussed in the Initial Study, the potential exists for protected bird species to be nesting in the street trees during Project construction. In order to avoid disturbance of nesting birds, the Project will implement a standard City mitigation measure to reduce impacts to nesting birds to a less than significant level. With the implementation of Mitigation Measure BIO-MM-1, included in the Mitigation Monitoring Program provided in Section IV of the Final EIR, impacts to sensitive plant and animal species would be less than significant and no further analysis of this topic in the EIR is required.

- e. Airport Land Use Plans
- f. Private Airstrips
- h. Wildland Fires

IX. Hydrology and Water Quality

- b. Groundwater Supplies or Groundwater Recharge
- g. Mapped 100-Year Flood Hazard Areas
- h. 100-Year Flood Hazard
- i. Flood Risk
- j. Seiche, Tsunami or Mudflow

X. Land Use and Planning

- a. Divide an Established Community
- c. Habitat or Natural Community Conservation Plans

XI. Mineral Resources

- a. Loss of Known Mineral Resources
- b. Loss of Mineral Resources Recovery Site

XII. Noise

- e. Airport Land Use Plans
- f. Private Airstrips

XIII. Population and Housing

- b. Displacement of Existing Housing
- c. Displacement of Existing Residents

XVI. Transportation and Traffic

- c. Air Traffic Patterns
- d. Hazards to a Design Feature or Incompatible Uses

VI. ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT PRIOR TO MITIGATION

Impacts of the Project that were determined to be less than significant in the EIR (including having a less than significant impact as a result of implementation of project design features and regulatory compliance measures) and that require no mitigation are identified below. The City has reviewed the record and has determined that the following environmental impact categories will not result in any significant impacts and that no mitigation measures are needed, and no additional findings are needed. This information does not repeat the full discussions of environmental impacts contained in the EIR. The City ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the EIR.

1. Aesthetics

As described Section IV.A., *Aesthetics*, of the Draft EIR, the Project represents infill development proposed within a transit priority area and, therefore, pursuant to PRC Section 21099(d)(1) and ZI No. 2452, aesthetic impacts on the environment are not considered significant. Evaluation of the Project's physical impacts associated with aesthetics is not required in the EIR. However, the Draft EIR includes an analysis that follows the methodology guidance in the 2006 L.A. CEQA Thresholds Guide (*Thresholds Guide*) for informational purposes only.

(A) Analysis of Project Impacts

(i) Scenic Vista

As described on pages IV.A-17 through IV.A-18 of the Draft EIR, construction of the Project would not have a substantial adverse effect on a scenic vista. Furthermore, such analysis is provided for informational purposes only. The aesthetics impacts of the Project shall not be considered significant pursuant to SB 743 and ZI No. 2452.

As described on pages IV.A-19 through IV.A-34 of the Draft EIR, operation of the Project would not have a substantial adverse effect on a scenic vista across or toward the Project Site, including views of the Times, Plant and Mirror Buildings from key public view locations. Furthermore, such analysis is provided for informational purposes only. The aesthetics impacts of the Project shall not be considered significant pursuant to SB 743 and ZI No. 2452.

(ii) Scenic Resources

As described on pages IV.A-34 through IV.A-35 of the Draft EIR, construction impacts relative to scenic resources would be less than significant. Furthermore, such analysis is provided for informational purposes only. The aesthetics impacts of the Project shall not be considered significant as a matter of law pursuant to SB 743 and ZI No. 2452.

As described on pages IV.A-35 through IV.A-37 of the Draft EIR, Project operation would not damage locally recognized scenic resources, including those within a state scenic highway, and impacts would be less than significant. Specifically, as described on page IV.A-35 of the Draft EIR, the Project would restore the historical and architectural integrity of the Times Building, as well as rehabilitate the Mirror and Plant Buildings. The rehabilitation of the Times, Plant, and Mirror Buildings would not materially impair their appearance and condition, and the integrity of all three buildings would be enhanced. Such analysis is provided for informational purposes only. The aesthetics impacts of the Project shall not be considered significant as a matter of law pursuant to SB 743 and ZI No. 2452.

(iii) Visual Character and Quality

a. Construction

As described on pages IV.A-37 through IV.A-38 of the Draft EIR, the Project would result in the removal of the existing Executive Building and the parking structure, which are historic resources and, as such, may be considered to contribute to the aesthetic character under the *Thresholds Guide*. However, in accordance with SB 743 (codified in Public Resources Code Section 21099(d)(1)), impacts to aesthetics would not be considered significant, and no mitigation would be required. Per ZI No. 2452, aesthetic impacts, including impacts to visual character, as defined in the *Thresholds Guide*, shall not be considered a significant impact for a qualifying mixed-use project in a Transit Priority Area, such as the Project. Furthermore, such analysis is provided for informational purposes only. The aesthetics impacts of the Project shall not be considered significant as a matter of law pursuant to SB 743 and ZI No. 2452.

b. Operation

As described on pages IV.A-38 through IV.A-42 of the Draft EIR, the Project would not substantially degrade the existing visual character or quality of the site and its surroundings. As

described on page IV.A-41 of the Draft EIR, the rehabilitation of the Times, Mirror, and Plant Buildings would represent an aesthetic benefit since it would restore the original west wall of the Times Building (thereby upgrading its architectural integrity), restore the aging LA Times signage and clock, and restore the original finishes and features of the historical buildings. In addition, the removal of the Executive Building and parking structure would create an aesthetic benefit to another scenic resource, which would contribute to the valued visual character of the area. Therefore, visual character impacts would be less than significant. Such analysis is provided for informational purposes only. The aesthetics impacts of the Project shall not be considered significant as a matter of law pursuant to SB 743 and ZI No. 2452.

(iv) Shade/Shadow Evaluation

As described on pages IV.A-42 through IV.A-51 of the Draft, EIR, because the Project would exceed the City's shading factors during the Winter Solstice at the Federal Courthouse solar array, it would substantially degrade the existing visual character of that site. However, the shade analysis is provided for informational purposes only. The aesthetics impacts of the Project shall not be considered significant as a matter of law pursuant to SB 743 and ZI No. 2452.

(v) Light and Glare

As described on page IV.A-51 of the Draft EIR, Project construction lighting would not adversely affect day or nighttime views in the area. Furthermore, such analysis is provided for informational purposes only. The aesthetics impacts of the Project shall not be considered significant as a matter of law pursuant to SB 743 and ZI No. 2452.

As described on pages IV.A-51 through IV.A-52 of the Draft EIR, the Project's brightest components, including architectural lighting and street-level commercial signage, would be consistent with Project's own residential and commercial uses and would not generate excessive lighting that would adversely affect daytime or nighttime views in the area.

As described on pages IV.A-52 through IV.A-53 of the Draft EIR, with exterior lighting directed onto the building surface or shielded, the Project would not adversely affect nighttime views in the area. Furthermore, such analysis is provided for informational purposes only. The aesthetics impacts of the Project shall not be considered significant as a matter of law pursuant to SB 743 and ZI No. 2452.

(B) Cumulative Impacts

(i) Views

As described on page IV.A-55 of the Draft EIR, the Project would not contribute to adverse cumulative view impacts. Furthermore, such analysis is provided for informational purposes only. The aesthetics impacts of the Project shall not be considered significant as a matter of law pursuant to SB 743 and ZI No. 2452.

(ii) Scenic Resources

As described on pages IV.A-55 through IV.A-56 of the Draft EIR, the Project would demolish the Executive Building and parking structure, which are historic resources and, as such, may be considered to contribute to the aesthetic character under the *Thresholds Guide*. If the related projects also result in the removal or significant alteration of scenic resources, cumulative impacts

could occur. However, in accordance with SB 743, which supersedes the *Thresholds Guide*, the Project's aesthetic impacts, including impacts on scenic resources, would not be significant and would not contribute to a cumulatively significant impact.

(iii) Visual Character and Quality

a. Visual Character

As described on pages IV.A-56 through IV.A-57 of the Draft EIR, the Project would demolish the Executive Building and parking structure, which are historic resources and, as such, may be considered to contribute to the aesthetic character under the *Thresholds Guide*. If the related projects also result in the removal or significant alteration of scenic resources, cumulative impacts could occur. However, in accordance with SB 743, which supersedes the *Thresholds Guide*, the Project's aesthetic impacts, including to visual character, would not be significant and would not contribute to a cumulatively significant impact. Therefore, the Project's impacts to visual character would not be cumulatively considerable, and cumulative visual character impacts would be less than significant.

b. Shading

As described on page IV.A-58 of the Draft EIR, the Project in combination with related projects would not cumulatively exceed the City's shade threshold at sensitive receptor locations. Furthermore, such analysis is provided for informational purposes only. The aesthetics impacts of the Project shall not be considered significant pursuant to SB 743 and ZI No. 2452

(iv) Light and Glare

As described on pages IV.A-58 through IV.A-59 of the Draft EIR, because of Downtown's high ambient light, it is anticipated that new development would not be out of character with the existing high existing light and glare environment of the Downtown to the extent that daytime and nighttime views would be adversely affected. Furthermore, such analysis is provided for informational purposes only. The aesthetics impacts of the Project shall not be considered significant pursuant to SB 743 and ZI No. 2452.

(C) Project Design Features

The City finds that Project Design Features PDF AES-1 through PDF AES-5, set forth below and incorporated into the Project, further reduce the non-significant aesthetics impacts of the Project.

PDF-AES-1: Construction Fencing: Temporary construction fencing will be placed along the periphery of the Project Site to screen construction activity of new buildings and any rehabilitation of exteriors of the Times, Plant, and Mirror Buildings from view at the street level. The fence will be located along all perimeters of the Project Site with a minimum height of 8 feet. The Project Applicant will ensure through appropriate postings and daily visual inspections that no unauthorized materials are posted on any temporary construction barriers or temporary pedestrian walkways that are accessible/visible to the public, and that such temporary barriers and walkways are maintained in a visually attractive manner (i.e., free of trash, graffiti, peeling postings and of uniform paint color or graphic treatment) throughout the construction period.

PDF-AES-2: Screening of Utilities: Mechanical, electrical, and roof top equipment (including Heating, Ventilation, and Air Conditioning [HVAC] systems), as well as building appurtenances, will be integrated into the Project's architectural design (e.g., placed behind parapet walls) and be screened from view from public rights-of-way.

PDF-AES-3: Glare: Glass used in building façades will be anti-reflective or treated with an anti-reflective coating in order to minimize glare (e.g., minimize the use of glass with mirror coatings). Consistent with applicable energy and building code requirements, including Section 140.3 of the California Energy Code as may be amended, glass with coatings required to meet the Energy Code requirements shall be permitted.

PDF-AES-4: Lighting: Construction and operational lighting, including vehicle headlights within the parking podium, will be shielded and/or directed downward (or on the specific on-site feature to be lit) in such a manner as to preclude light pollution or light trespass onto adjacent uses that would cause more than two foot-candles of lighting intensity or generate direct glare onto exterior glazed windows or glass doors of existing and anticipated future adjacent uses.

PDF-AES-5 Screening of Loading Areas: All commercial loading for the new development will be conducted interior to the buildings or screened from public view.

(D) Conclusion

The analysis in the Draft EIR with respect to views, scenic resources, visual character, shade/shadow, and light and glare is provided for informational purposes only. The impacts of the Project relative to these issue areas shall not be considered significant pursuant to SB 743 and ZI No. 2452. Therefore, potential impacts to aesthetics would be less than significant, and no mitigation measures are required.

2. Geology and Soils

(A) Analysis of Project Impacts

As described on pages IV.D-19 through IV.D-20 of the Draft EIR, the Project would not exacerbate existing environmental conditions related to fault rupture, and the impact would be less than significant.

As described on pages IV.D-20 through IV.D-23 of the Draft EIR, development of the Project would not cause or exacerbate existing seismic conditions on the Project Site, and potential impacts related to strong seismic ground shaking would be less than significant.

As described on pages IV.D-23 through IV.D-25 of the Draft EIR, development of the Project would not cause or exacerbate existing liquefaction conditions on the Project Site, and the impact would be less than significant, and development of the Project would not cause or exacerbate existing seismic-related ground failure conditions due to seepage at the Project Site and the impact would be less than significant. Development of the Project would not cause or exacerbate existing seismic-related ground failure conditions at adjacent properties, and the impact would be less than significant.

As described on page IV.D-25 of the Draft EIR, no impacts with regards to landslides caused in whole or in part by the Project's exacerbation of the existing environmental conditions would occur.

As described on pages IV.D-25 through IV.D-26 of the Draft EIR, with implementation and compliance with applicable regulatory requirements, the Project would not result in substantial erosion or the loss of topsoil. Impacts related to the erosion of topsoil would be less than significant.

As described on pages IV.D-26 through IV.D-27 of the Draft EIR, the Project would not exacerbate existing environmental conditions related to seismically-induced settlement, subsidence, or hydroconsolidation (collapse). Impacts would be less than significant.

As described on pages IV.D-27 through IV.D-28 of the Draft EIR, the Project would not exacerbate existing environmental conditions related to expansive soils, and impacts would be less than significant, and development of the Project would not cause or exacerbate existing environmental conditions related to corrosive soils at the Project Site, and impacts would be less than significant.

As described on page IV.D-28 of the Draft EIR, no impacts with regards to soils incapable of adequate supporting septic tanks or alternative waste disposal systems would occur.

As described on page IV.D-28 of the Draft EIR, the Project would not destroy, permanently cover, or materially and adversely modify distinct and prominent geologic or topographic features, and no impact related to landform alteration would occur.

(B) Cumulative Impacts

As described on pages IV.D-29 through IV.D-30 of the Draft EIR, the Project would not have a cumulatively considerable geology and soils impact when viewed in connection with the potential effects of the related projects. Cumulative impacts related to geology and soils would be less than significant.

(C) Project Design Features

The City finds that Project Design Features PDF GEO-1 and PDF GEO-2, set forth below and incorporated into the Project, further reduce the less-than-significant geology and soils impacts of the Project.

PDF-GEO-1: To determine if seismic upgrades are warranted for the Times and Plant Buildings, a qualified seismic engineer will prepare a Feasibility Study (Phase 1) that identifies: (1) existing structural system limitations; (2) assessment of the existing structural systems and findings regarding what upgrades would be required and renovation concepts; (3) a narrative summary and concept sketches of the various mandatory upgrade alternatives that could be implemented; and (4) identify voluntary upgrades that could be pursued to improve seismic performance.

Following Phase 1, and once a more developed concept of the existing buildings is developed, a Seismic Evaluation (Phase 2) will be prepared that provides: (1) a detailed assessment of the final programming concepts; (2) mandatory upgrade/evaluation requirements; (3) a detailed evaluation of the Times and Plant Buildings; and (3) a schematic design of the mandatory/voluntary upgrades. The schematic design of the

mandatory/voluntary upgrades will be reviewed by a qualified historic preservation consultant to support compliance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, with a letter report verifying that the upgrades would comply with the Secretary of the Interior's Standards provided by the historic preservation consultant to LADBS.

Upon completion of both phases, the Applicant and seismic engineer will coordinate with LADBS to review and approve the approach, findings, and recommendations of the reports. All the above will occur prior to the issuance of building permits for the Project.

PDF-GEO-2: The foundations for the proposed new buildings will extend to, and shall derive support from, the underlying competent bedrock.

(D) Conclusion

The Project would not exacerbate existing environmental conditions related to geology and soils, with compliance with applicable regulatory requirements, and with implementation of the proposed Project Design Features. Impacts would be less than significant. No mitigation measures are required.

3. Greenhouse Gas Emissions

(A) Significance Threshold

In 2008, SCAQMD released draft guidance regarding interim CEQA GHG significance thresholds. However, the SCAQMD has not adopted a GHG significance threshold for land use development projects (e.g., mixed-use/commercial projects). As described on pages IV.E-36 through IV.E-38 of the Draft EIR, in the absence of any adopted numeric threshold, the significance of the Project's greenhouse gas (GHG) emissions is evaluated qualitatively consistent with *CEQA Guidelines* Section 15064.4(b) by considering whether the Project complies with applicable plans, policies, regulations and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. The City has exercised its discretion and determined that the Project would not have a significant effect on the environment if the Project is found to be consistent with the applicable regulatory plans and policies to reduce GHG emissions, including the emissions reduction measures discussed within CARB's 2017 Climate Change Scoping Plan, SCAG's 2016 RTP/SCS, and the City's *LA Green Plan*, and *Sustainable City pLAn*.

(B) Analysis of Project Impacts

As described on pages IV.E-39 through IV.E-88 of the Draft EIR, the Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing emissions of GHGs, and Project-specific impacts with regard to greenhouse gas emissions would be less than significant.

(C) Cumulative Impacts

As described on pages IV.E-88 through IV.E-91 of the draft EIR, given the Project's consistency with state, SCAG, and City of Los Angeles GHG emission reduction goals and objectives, the Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. In the absence of adopted standards and

established significance thresholds, and given this consistency, it is concluded that the Project's incremental contribution to greenhouse gas emissions and their effects on climate change would not be cumulatively considerable, and the Project's cumulative contribution to global climate change would be less than significant.

(D) Project Design Features

The Project would be designed to incorporate green building techniques and other sustainability features; however, there are no PDFs proposed specifically to reduce GHG emissions. The PDFs described in Sections IV.B, *Air Quality*, and IV.R, *Water Supply*, of the Draft EIR would further reduce the Project's less-than-significant impacts with respect to GHG emissions.

(E) Conclusion

The Project would result in less than significant impacts with respect to GHG emissions. Therefore, no mitigation measures are required.

4. Hazards and Hazardous Materials

(A) Analysis of Project Impacts

As described on page IV.F-25 of the Draft EIR, construction and operation of the Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The impact would be less than significant.

As described on pages IV.F-26 through IV.F-29 of the Draft EIR, the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, and impacts would be less than significant.

As described on pages IV.F-29 through IV.F-31 of the Draft EIR, with continued compliance with all applicable local, state, and federal laws and regulations relating to environmental protection and the management of hazardous materials, as well as adherence to manufacturer's instructions for safe handling and disposal of hazardous materials, potential impacts upon people, the environment, and nearby schools (including day care centers and preschools within a quarter mile of the Project Site) associated with the use, storage, and management of hazardous materials during operation of the Project would be less than significant. Based on the above, with continued compliance with existing hazardous materials regulations and adherence to manufacturer's instructions for the safe handling of such materials, the Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school or expose people and the environment to hazardous materials. The impact would be less than significant.

As described on page IV.F-31 of the Draft EIR, the Project would not exacerbate existing environmental conditions related to listed hazardous materials sites, and impacts would be less than significant.

As described on pages IV.F-31 through IV.F-32 of the Draft EIR, the Project would not be located on a site which is within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and would not result in a safety hazard for people residing or working in the Project area. No impacts would occur.

As described on page IV.F-32 of the Draft EIR, the Project would not result in a safety hazard to people residing or working within two miles of a private airport, and no impact would result. No impacts with regards to safety hazards within the vicinity of a private airstrip would occur.

As described on pages IV.F-32 through IV.F-33 of the Draft EIR, the Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.

As described on page IV.F-33 of the Draft EIR, the Project would not expose people or structures to a significant risk involving wildland fires caused in whole or in part from the Project's exacerbation of existing environmental conditions. Thus, no impacts related to wildland fires would occur.

(B) Cumulative Impacts

As described on pages IV.F-33 through IV.F-35 of the Draft EIR, the Project would result in less than significant hazards and hazardous materials impacts, would not add to the hazards and hazardous materials impacts of the related project, and would not contribute considerably to cumulative hazards and hazardous materials impacts. In addition, with ongoing updating of emergency and evacuation plans by the City, and with compliance by cumulative projects with the regulatory requirements specified in the Draft EIR, the cumulative impact on emergency preparedness would be less than significant.

(C) Project Design Features

The City finds that Project Design Feature PDF HAZ-1, set forth below and incorporated into the Project, would further reduce the less-than-significant hazards and hazardous materials impacts of the Project.

PDF-HAZ-1: While the Phase I/II ESA did not encounter any RECs or conditions that may warrant mitigation, in the event that unforeseen suspect impacted soils are encountered during mass excavation activities for the future subterranean parking garage, such soil will be properly profiled and managed under a conventional soil management plan to be implemented by the Project excavation contractor and environmental consultant. The plan will require removal, transport, and disposal of all impacted soils in accordance with all applicable regulatory requirements and under the oversight of all governmental agencies with jurisdiction.

(D) Conclusion

The Project would result in less than significant impacts with respect to hazards and hazardous materials. Therefore, no mitigation measures are required.

5. Hydrology and Water Quality

(A) Analysis of Project Impacts

As described on pages IV.G-24 through IV.G-25 of the Draft EIR, the Project would not violate any water quality standards or waste discharge requirements during construction, and impacts would be less than significant.

As described on pages IV.G-25 through IV.G-27 of the Draft EIR, the Project would not violate any water quality standards or waste discharge requirements during operation, and impacts would be less than significant.

As described on pages IV.G-27 through IV.G-28 of the Draft EIR, impacts from depletion of groundwater or interference with groundwater recharge would be less than significant.

As described on pages IV.G-28 through IV.G-29 of the Draft EIR, the Project would not permanently or substantially alter the Project Site drainage existing drainage patterns of the Project Site or area, including through alteration of the course of a stream or river, in a manner that which would result in substantial erosion or siltation on- or off-site, and impacts would be less than significant.

As described on page IV.G-29 of the Draft EIR, the Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff, in a manner that would result in flooding on- or off-site. Impacts would be less than significant.

As described on page IV.G-30 of the Draft EIR, the Project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff during construction. Impacts would be less than significant.

As described on pages IV.G-31 through IV.G-33 of the Draft EIR, the Project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff during operation. Impacts would be less than significant.

As described on pages IV.G-33 through IV.G-34 of the Draft EIR, the Project would not otherwise substantially degrade water quality, and the impact would be less than significant.

As described on page IV.G-34 of the Draft EIR, the Project would not place housing within a 100-year flood plain as mapped on federal Flood Hazard Boundary or Flood Insurance Rate Maps or other flood hazard delineation maps. Impacts would be less than significant, and no mitigation measures would be required.

As described on page IV.G-35 of the Draft EIR, the Project would not place within a 100-year³ flood plain, structures which would impede or redirect flood flows. Impacts would be less than significant, and no mitigation measures would be required.

As described on page IV.G-35 of the Draft EIR, the Project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. Impacts would be less than significant, and no mitigation measures would be required.

³ Note that page IV.G-35 of the Draft EIR contains a typographical error, inadvertently referring to a “10-year” floor plain rather than a “100-year” flood plain.

As described on page IV.G-35 of the Draft EIR, the Project would not expose people or structures to inundation by seiche, tsunami, or mudflow. No impacts with regards to inundation by seiche, tsunami, or mudflow would occur, and no mitigation measures would be required.

(B) Cumulative Impacts

As described on pages IV.G-35 through IV.G-37 of the Draft EIR, regulatory measures would avoid significant impacts on drainage/flooding conditions and the quality of water reaching the public drainage system, and based on the above, cumulative hydrology (drainage) and surface water quality impacts would be less than significant.

(C) Project Design Features

No Project Design Features are specifically proposed for hydrology and water quality.

(D) Conclusion

With compliance with existing regulations, the Project would result in less than significant impacts with respect to hydrology and water quality. Therefore, no mitigation measures are required.

6. Land Use and Planning

(A) Analysis of Project Impacts

As described on page IV.H-24 of the Draft EIR, impacts related to physically dividing an established community would be less than significant, and no mitigation measures are required.

As described on pages IV.H-24 through IV.H-64 of the Draft EIR, the Project would not conflict with applicable City and regional land use plans and policies adopted for the purpose of avoiding or mitigating a significant environmental effect.

As described on page IV.H-64 of the Draft EIR, as discussed in the Initial Study, the Project would not conflict with the provisions of any adopted applicable conservation plan. No impact would occur, and no mitigation measures are required.

(B) Cumulative Impacts

As described on pages IV.H-64 through IV.H-67 of the Draft EIR, cumulative impacts with regard to land use consistency would be less than significant and would not be cumulatively considerable.

(C) Project Design Features

No specific Project Design Features pertaining to land use are proposed.

(D) Conclusion

With compliance with existing regulations, the Project would result in less than significant impacts with respect to land use policy and planning. Therefore, no mitigation measures would be required.

7. Population and Housing

(A) Analysis of Project Impacts

As described on page IV.J-12 of the Draft EIR, Project construction would not induce substantial direct or indirect population growth, and impacts would be less than significant.

As described on pages IV.J-12 through IV.J-17 of the Draft EIR, Project operation would not directly induce substantial population growth through the Project's contribution to housing or through the Project's contribution to employment; and the Project would not induce substantial population growth indirectly through the extension of roads or other infrastructure. In each case, impacts would be less than significant.

As described on page IV.J-17 of the Draft EIR, no impacts with regards to displacing existing housing would occur.

As described on page IV.J-17 of the Draft EIR, no impacts with regards to displacing people would occur.

(B) Cumulative Impacts

As described on pages IV.J-18 through IV.J-20 of the Draft EIR, the Project, considered together with the related projects, would not induce substantial population growth through contributions to population, housing, or employment either directly or indirectly. Therefore, cumulative impacts on population growth, housing, and employment would not be cumulatively considerable.

(C) Project Design Features

No specific Project Design Features are proposed with regard to population and housing.

(D) Conclusion

The Project would result in less than significant impacts with respect to population and housing. Therefore, no mitigation measures are required.

8. Public Services – Police Protection

Section 35 of Article XIII of the California Constitution at subdivision (a)(2) provides: "The protection of public safety is the first responsibility of local government and local officials have an obligation to give priority to the provision of adequate public safety services." Section 35 of Article XIII of the California Constitution was adopted by the voters in 1993 under Proposition 172. Proposition 172 directed the proceeds of a 0.50-percent sales tax to be expended exclusively on local public safety services. California Government Code Sections 30051-30056 provide rules to implement Proposition 172. Public safety services include fire protection. Section 30056 mandates that cities are not allowed to spend less of their own financial resources on their combined public safety services in any given year compared to the 1992-93 fiscal year. Therefore, an agency is required to use Proposition 172 to supplement its local funds used on fire protection services, as well as other public safety services. In *City of Hayward v. Board of Trustee of California State University* (2015) 242 Cal. App. 4th 833, the court found that Section 35 of Article XIII of the California Constitution requires local agencies to provide public safety services, including fire protection and police services, and that it is reasonable to conclude that the city will

comply with that provision to ensure that public safety services are provided. Although that case specifically addressed fire services, its holding also applies to other public services.

(A) Analysis of Project Impacts

(i) Construction

As described on pages IV.K-12 through IV.K-13 of the Draft EIR, impacts on police protection services during Project construction would be less than significant.

(ii) Operation

As described on pages IV.K-13 through IV.K-17 of the Draft EIR, impacts on police protection services during Project operation would be less than significant.

(B) Cumulative Impacts

As described on pages IV.K-17 through IV.K-21 of the Draft EIR, the Project would not result in a cumulatively considerable or substantial adverse physical impact associated with the provision or need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives for police protection. Project impacts would not be cumulatively considerable, and cumulative impacts would be less than significant.

(C) Project Design Features

The City finds that Project Design Features PDF POL-1 through PDF POL-3, set forth below and incorporated into the Project, further reduce the non-significant impacts to police protection services from the Project.

PDF-POL-1: On-Site Construction Security Measures: During construction, on-site security measures will include: an eight-foot tall construction security fence, with gated and locked entry, around the construction site during the construction period; the provision of 24-hour visible private security personnel that monitors vehicle and pedestrian access to, and patrols, the construction site; and a construction management plan to ensure that emergency service providers have adequate access to the Project Site and neighboring businesses during construction and that Project construction traffic does not interfere with emergency vehicle response. During construction activities, the Contractor will document the security measures; and the documentation will be made available to the Construction Monitor.

PDF-POL-2: Provision of Project Diagrams to LAPD: Once prior to the issuance of a building permit and once prior to occupancy, the Applicant will provide the LAPD Central Area Commanding Officer with a diagram of the Project Site, including access routes, gate access codes, and additional information, as required, to facilitate potential LAPD responses.

PDF-POL-3: On-Site Operational Security Measures: The Project will provide an extensive security program to ensure the safety of residents, employees, and other visitors to the Project Site. The Project will incorporate strategies in design and planning, as well as active security features. On-site security measures during Project operation will include:

- Installing and utilizing a 24-hour security camera network throughout the underground and above-grade parking structure; the elevators; the common and amenity spaces; the lobby areas; and the rooftop and ground level outdoor open spaces.
- Maintaining all security camera footage for at least 30 days, and providing such footage to LAPD as needed.
- Controlling access to all building elevators, residences, and resident-only common areas through an electronic key fob specific to each user.
- Training employees on appropriate security policies for the Project's buildings. Duties of the staff will include, but would not be limited to, assisting residents and visitors with site access; monitoring entrances and exits of buildings; managing and monitoring fire/life/safety systems; and monitoring the property.
- Providing a 24-hour/seven-day security program for the Paseo.
- Access to commercial uses will be unrestricted during business hours, with public access discontinued after businesses have closed.
- Secure access points will be limited and located in areas of high visibilities.
- Hallways and corridors will be straight forward with no dark corners, as possible.
- Outdoor areas will be exposed to windows and allow for natural surveillance.
- Clear transitional zones will be provided between public, semi-public and private spaces.
- Access key cards and cameras will be used.
- Interior and exterior spaces will be well lit with proper signage to direct the flow of people and decrease opportunities for crime.

(D) Conclusion

Project-related police protection impacts would be less than significant, and no mitigation measures are required.

9. Public Services – Fire Protection

Section 35 of Article XIII of the California Constitution at subdivision (a)(2) provides: "The protection of public safety is the first responsibility of local government and local officials have an obligation to give priority to the provision of adequate public safety services." Section 35 of Article XIII of the California Constitution was adopted by the voters in 1993 under Proposition 172. Proposition 172 directed the proceeds of a 0.50-percent sales tax to be expended exclusively on local public safety services. California Government Code Sections 30051-30056 provide rules to implement Proposition 172. Public safety services include fire protection. Section 30056 mandates that cities are not allowed to spend less of their own financial resources on their combined public safety services in any given year compared to the 1992-93 fiscal year. Therefore,

an agency is required to use Proposition 172 to supplement its local funds used on fire protection services, as well as other public safety services. In *City of Hayward v. Board of Trustee of California State University* (2015) 242 Cal. App. 4th 833, the court found that Section 35 of Article XIII of the California Constitution requires local agencies to provide public safety services, including fire protection and police services, and that it is reasonable to conclude that the city will comply with that provision to ensure that public safety services are provided.

(A) Analysis of Project Impacts

(i) Construction

As described on pages IV.L-16 through IV.L-18 of the Draft EIR, Project construction would not result in substantial adverse physical impacts associated with the provision of or need for new or altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives. Impacts would be less than significant.

(ii) Operation

As described on pages IV.L-18 through IV.L-20 of the Draft EIR, Project operation would not result in substantial adverse physical impacts associated with the provision of or need for new or altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives. Impacts would be less than significant.

(B) Cumulative Impacts

As described on pages IV.L-20 through IV.L-26 of the Draft EIR, the Project's impacts would not be cumulatively considerable, and cumulative impacts would be less than significant.

(C) Project Design Features

No specific Project Design Features are proposed for fire protection services.

(D) Conclusion

Project-level and cumulative impacts on fire protection would be less than significant. No mitigation measures are required.

10. Public Services – Schools

(A) Analysis of Project Impacts

(i) Construction

As described on pages IV.M-9 through IV.M-10 of the Draft EIR, construction impacts on schools would be less than significant.

(ii) Operation

As described on pages IV.M-10 through IV.M-15 of the Draft EIR, impacts on schools from Project

operation would be less than significant.

(B) Cumulative Impacts

As described on pages IV.M-15 through IV.M-23 of the Draft EIR, the Project would have less-than-significant impacts on the capacities of the schools that would serve it, and the Project and all cumulative projects would be subject to developer fees that would mitigate impacts on school facilities. Project impacts would not be cumulatively considerable, and cumulative impacts would be less than significant.

(C) Project Design Features

No specific Project Design Features are proposed with regard to schools.

(D) Conclusion

Potential impacts to schools as a result of Project implementation would be less than significant. No mitigation measures are required.

11. Public Services – Parks and Recreation

(A) Analysis of Project Impacts

(i) Construction

As described on page IV.N-11 of the Draft EIR, impacts on parks and recreational resources during construction would be less than significant.

(ii) Operation

As described on pages IV.N-11 through IV.N-18 of the Draft EIR, impacts on parks and recreational resources during operation would be less than significant.

(B) Cumulative Impacts

As described on pages IV.N-18 through IV.N-19 of the Draft EIR, cumulative impacts on parks and recreation facilities would be less than significant.

(C) Project Design Features

No specific Project Design Features are proposed with regard to parks and recreation.

(D) Conclusion

Project-level and cumulative impacts on parks and recreation would be less than significant. No mitigation measures are required.

12. Public Services – Libraries

(A) Analysis of Project Impacts

(i) Construction

As described on page IV.O-9 of the Draft EIR, construction impacts on library services would be less than significant.

(ii) Operation

As described on pages IV.O-10 through IV.O-12 of the Draft EIR, the Project's operational impacts to libraries would be less than significant.

(B) Cumulative Impacts

As described on pages IV.O-12 through IV.O-18 of the Draft EIR, Project impacts on libraries would not be cumulatively considerable, and cumulative impacts would be less than significant.

(C) Project Design Features

No specific Project Design Features are proposed with regard to libraries.

(D) Conclusion

Project-level and cumulative impacts to libraries would be less than significant. No mitigation measures are required.

13. Tribal Cultural Resources

(A) Analysis of Project Impacts

As described on pages IV.Q-10 through IV.Q-11 of the Draft EIR, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource, as defined in Public Resources Code Section 21074, and impacts would be less than significant.

While no tribal cultural resources are anticipated to be affected by the Project, the City has established a standard condition of approval under its police power and land use authority to address any inadvertent discovery of a tribal cultural resource. In accordance with this condition of approval, all related activities would be conducted in accordance with regulatory requirements.

(B) Cumulative Impacts

As described on page IV.Q-11 of the Draft EIR, the Project would not contribute to cumulatively significant impacts to tribal cultural resources.

(C) Project Design Features

No specific Project Design Features are proposed with regard to tribal cultural resources.

(D) Conclusion

Project-level and cumulative impacts to tribal cultural resources would be less than significant. No mitigation measures are required.

14. Utilities and Service Systems – Water Supply**(A) Analysis of Project Impacts****(i) Water Infrastructure****a. Construction**

As described on page IV.R-25 of the Draft EIR, the Project would not require or result in the construction of new water facilities or expansion of existing facilities, the construction of which could cause significant environmental effects, and the impact would be less than significant.

b. Operation

As described on pages IV.R-26 through IV.R-27 of the Draft EIR, Project operation would not require or result in the construction of new water facilities or expansion of existing facilities, the construction of which could cause significant environmental effects, and the impact would be less than significant.

(ii) Water Supply**I. Construction**

As described on page IV.R-28 of the Draft EIR, sufficient water supplies would be available from existing entitlements and resources for Project construction activities, and the impacts would be less than significant.

II. Operation

As described on pages IV.R-28 through IV.R-33 of the Draft EIR, based on the analysis contained therein, and as stated in the Water Supply Assessment (WSA), there would be sufficient domestic water supplies available to serve the Project from existing LADWP water entitlements and resources, and no new or expanded water entitlements or resources would be required. Therefore, the operational water supply impacts of the Project would be less than significant.

(B) Cumulative Impacts**(i) Water Infrastructure**

As described on page IV.R-33 of the Draft EIR, the Project's contribution to cumulatively significant impacts on the water infrastructure system would be less than cumulatively considerable. Cumulative impacts on water infrastructure would be less than significant.

a. Water Supply

As described on pages IV.R-33 through IV.R-37 of the Draft EIR, the Project would not have a cumulatively considerable impact on water supply and cumulative impacts would be less than significant.

(C) Project Design Features

The City finds that Project Design Feature PDF-WS-1, set forth below and incorporated into the Project, would further reduce the less-than-significant water supply impacts of the Project.

PDF-WS-1 (Water Conservation Features): The Project shall incorporate the following specific additional water conservation features:⁴

- High Efficiency Toilets with flush volume of 1.0 gallons per flush or less;
- ENERGY STAR Certified Residential Clothes Washers – Front-loading with an Integrated Water Factor of 3.6 or less and capacity of 4.3 cubic feet (cu ft);
- Showerheads with a flow rate of 1.5 gpm or less;
- Domestic Water Heating System located close in proximity to point(s) of use;
- Individual Metering and billing for water use for commercial space;
- Drip/Subsurface Irrigation (Micro-Irrigation);
- Proper Hydro-zoning/Zoned Irrigation (group plants with similar water requirements together); and
- Drought Tolerant Plants – 70 percent of total landscaping.

(D) Conclusion

Project-level and cumulative impacts with respect to water supply would be less than significant. Therefore, no mitigation measures are required.

15. Utilities and Service Systems – Wastewater

(i) Analysis of Project Impacts

As described on page IV.S-13 of the Draft EIR, construction of the Project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board, and impacts would be less than significant.

As described on page IV.S-14 of the Draft EIR, operation of the Project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board, and impacts would be less than significant.

As described on pages IV.S-14 through IV.S-15 of the Draft EIR, Project construction would not require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects, and impacts would be less than significant.

As described on pages IV.S-15 through IV.S-18 of the Draft EIR, Project operation would not require or result in the construction of new wastewater treatment facilities or expansion of existing

⁴ Los Angeles Department of Water and Power, Board Letter Approval for the Water Supply Assessment, August 18, 2017, page 4.

facilities, the construction of which could cause significant environmental effects.

As described on page IV.S-19 of the Draft EIR, impacts from Project construction on wastewater treatment capacity would be less than significant.

As described on page IV.S-19 of the Draft EIR, the Hyperion Water Reclamation Plant Sanitary Sewer System (Hyperion Sanitary Sewer System), the wastewater treatment provider that would serve the Project, has adequate capacity to serve the Project's operational wastewater treatment demand, in addition to its existing commitments and impacts resulting from Project operation would be less than significant.

(ii) Cumulative Impacts

As described on pages IV.S-19 through IV.S-23 of the Draft EIR, the Project, considered together with the related projects, would not exceed wastewater treatment requirements of the applicable RWQCB; require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; or result in a determination by the Hyperion Sanitary Sewer System, the wastewater treatment provider that would serve the Project, that it does not have adequate capacity to serve Project and related project demand in addition to its existing commitments. Cumulative impacts would be less than significant.

(iii) Project Design Features

No specific Project Design Features are proposed with regard to wastewater.

(iv) Conclusion

Project-level and cumulative impacts with respect to wastewater would be less than significant. No mitigation measures are required.

16. Utilities and Service Systems – Solid Waste

(A) Analysis of Project Impacts

As described on pages IV.T-15 through IV.T-17 of the Draft EIR, the Project's construction-related solid waste impact would be less than significant.

As described on pages IV.T-17 through IV.T-19 of the Draft EIR, operational impacts on the ability of landfills with sufficient permitted capacity to accommodate the Project's solid waste disposal would be less than significant.

As described on pages IV.T-19 through IV.T-20 of the Draft EIR, the Project would comply with applicable federal, state, and local statutes and regulations governing solid waste, and impacts would be less than significant.

(B) Cumulative Impacts

As described on pages IV.T-20 through IV.T-22 of the Draft EIR, cumulative construction impacts related to landfill capacity to accommodate solid waste disposal needs would be less than significant.

As described on pages IV.T-22 through IV.T-23 of the Draft EIR, cumulative operation impacts related to landfill capacity would be less than significant.

As described on pages IV.T-23 through IV.T-24 of the Draft EIR, cumulative impacts related to consistency of the Project and related projects with federal, state, and local statutes and regulations related to solid waste would be less than significant.

(C) Project Design Features

No specific Project Design Features are proposed with regard to solid waste.

(D) Conclusion

Project-level and cumulative impacts with respect to solid waste would be less than significant. No mitigation measures are required.

17. Energy Conservation and Infrastructure

(A) Analysis of Project Impacts

As described on pages IV.U-18 through IV.U-42 of the Draft EIR, the Project would not result in the wasteful, unnecessary or inefficient use of energy during construction or operation, and impacts would be less than significant.

As described on pages IV.U-43 through IV.U-46 of the Draft EIR, Project impacts related to energy supply or distribution infrastructure capabilities that could result in the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant environmental effects, would be less than significant during construction and operation.

(B) Cumulative Impacts

As described on pages IV.U-46 through IV.U-50 of the Draft EIR, based on the analysis provided therein, the Project would not contribute to cumulative impacts and would not result in a cumulatively considerable contribution related to the wasteful, inefficient, and unnecessary consumption of energy (i.e., electricity, natural gas, and transportation energy) during construction or operation. As such, the Project's impacts would not be cumulatively considerable; therefore, the Project would not have significant cumulative energy use impacts.

As described on pages IV.U-50 through IV.U-53 of the Draft EIR, based on the analyses provided therein, the Project would not contribute to cumulative impacts related to energy (i.e., electricity, natural gas, transportation energy) supply or distribution infrastructure capabilities that could result in the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. As such, the Project's impacts would not be cumulatively considerable, and its cumulative energy infrastructure impacts are concluded to be less than significant.

(C) Land Use Characteristics

As described on pages IV.U-17 through IV.U-18 of the Draft EIR, the Project would represent an urban infill development, since it would be undertaken on a currently developed site, and would be located near existing off-site commercial, residential, and retail destinations and in close

proximity to existing public transit stops, which would result in reduced vehicle trips and VMT. This would be in comparison to a business-as-usual project of similar size and land uses without close access to off-site destinations and public transit stops. As the Project comprises mixed uses including residential uses, and the Project Site is a previously developed “infill” site located within 750 feet of Metro’s Los Angeles Civic Center/Grand Park Station and directly across W. 2nd Street from Metro’s 2nd Street and Broadway Station (currently under construction), the Project meets the criteria of the City as a High Quality Transit Area (HQTa). The Project would result in a corresponding reduction in transportation-related emissions compared to a business-as-usual project that is developed at a site without existing off-site destinations and public transit stops. Additional detailed information regarding these land use characteristics are provided in Section IV. B, *Air Quality*, and Section IV.E, *Greenhouse Gas Emissions* of the Draft EIR.

(D) Project Design Features

The Project would include project design features designed to improve energy efficiency as set forth in Sections IV.B, *Air Quality*; Sections IV.P, *Transportation and Traffic*; and Section IV.R, *Water Supply* of the Draft EIR. These City finds that these Project Design Features, incorporated into the Project, further reduce the less-than-significant energy use and infrastructure impacts of the Project.

(E) Conclusion

Project-level and cumulative impacts with regard to energy use and infrastructure would be less than significant. Therefore, no mitigation measures are required.

VII. ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT AFTER MITIGATION

Certain impacts with respect to air quality, cultural resources, noise, and transportation and traffic were concluded by the Draft EIR to be less than significant with the implementation of mitigation measures described in the Final EIR. Because other impacts with respect to air quality, cultural resources, noise, and transportation and traffic were found to be significant even after mitigation, however, for organizational purposes, the entire discussion and findings with respect to those impact areas is set forth below in Section VIII., of these findings.

With respect to those impacts that were concluded by the Draft EIR to be less than significant with the implementation of mitigation measures described in the Final EIR, as more particularly described in Section VIII. below, based on that analysis and other evidence in the administrative record relating to the project, the City finds and determines that mitigation measures described in the Final EIR reduce potentially significant impacts identified for such environmental impact categories to below the level of significance. Pursuant to Public Resources Code Section 21081, the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid each of the applicable significant effects on the environment.

Additionally, as discussed below, the EIR determined that the Project has potentially significant environmental impacts to biological resources. The EIR identified feasible mitigation measures to avoid or substantially reduce the environmental impacts to biological resources to a level of less than significant. Based on the information and analysis set forth in the EIR, the Project would not have any significant environmental impacts in this area, as long as all identified feasible mitigation measures are incorporated into the Project. The City again ratifies, adopts, and incorporates the full analysis, explanation, findings, responses to comments, and conclusions of the EIR.

18. Biological Resources

(A) Impact Summary

The Project Site is entirely developed with five buildings and a parking structure and, as such is entirely impermeable. The Project Site has been operating as an urban use for decades. At present, the adjacent street rights-of-ways (ROWs) are planted with 29 ornamental, California Sycamore trees. Of these, 26 are considered to more than 3 inches in trunk diameter. All 29 trees would remain under the Project. The Project would add an additional four California Sycamores along W. 1st Street to create a double row near the corner of W. 1st Street and S. Broadway. In addition, the Project would add 10 California Sycamores along S. Broadway Street to fill in the existing trees on S. Broadway and create a continuous line of California Sycamores along the street edge. The Project would also add three additional California Sycamores along S. Spring Street and four California Sycamores along W. 2nd Street. The Project would not remove any existing trees and would add trees and shrubs at the entrances to the Paseo and within the Paseo, which would increase ornamental plants and trees over existing conditions. Thus, the Project would not disturb any native or protected trees as defined by the Los Angeles Municipal Code (LAMC) Section 17.02 and impacts to street trees would be less than significant. In addition, the Project vicinity is highly urbanized and does not support habitat for candidate, sensitive, or special status plant species. Therefore, no impacts to candidate, sensitive, or special status plant species would occur. However, the potential exists for protected bird species to be nesting in the street trees during Project construction. In order to avoid disturbance of nesting birds a mitigation measure shall be implemented to reduce impacts to nesting birds to a less than significant level. With the implementation of Mitigation Measure BIO-MM-1, impacts to sensitive plant and animal species would be less than significant.

Furthermore, as set forth in March 2020 Responses, a search of the eBird databases indicates that there are not special-status bird species in the Project vicinity that would be likely to experience window collisions. The likelihood of encountering such special-status bird species in the highly urbanized Project area is low, as very few if any migrant passerine species are known to use the Project area as a migration corridor, and none of these species are considered candidate, sensitive, or special status species. U.S. Fish and Wildlife Service data further shows that less than one percent of bird window collisions occur at high-rises such as the Project. Impacts related to the potential fatal collisions of special-status birds with Project exteriors would be less than significant, and no mitigation measures would be required.

(B) Project Design Features

No specific project design features are proposed with regard to biological resources.

(C) Mitigation Measures

BIO-MM-1: Prior to issuance of a grading permit, the Project Applicant shall demonstrate that the following requirements have been included in the Project construction plan:

1. Any construction activities that occur during the nesting season (February 15 to August 31) shall require that all suitable habitat (i.e., street trees and shrubs) be surveyed for the presence of nesting birds by a qualified biologist, retained by the Applicant as approved by the City of Los Angeles Building and Safety, before commencement of clearing and prior to grading permit issuance. The survey shall be conducted within 72 hours prior to

the start of construction. A copy of the preconstruction survey shall be submitted to the City of Los Angeles Building and Safety.

2. If the required pre-construction survey detects any active nests, an appropriate buffer as determined by the biological monitor, shall be delineated, flagged, and avoided until the qualified biological monitor has verified that the young have fledged or the nest has otherwise become inactive.

(D) Finding: Pursuant to Public Resources Code Section 21081, the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid each of the applicable significant effects on the environment.

(E) Rationale for finding

In order to avoid disturbance of nesting birds a mitigation measure shall be implemented to reduce impacts to nesting birds to a less than significant level. With the implementation of Mitigation Measure BIO-MM-1, impacts to sensitive plant and animal species would be less than significant.

(F) References

Appendix A, Initial Study, of the Draft EIR.

VIII. ENVIRONMENTAL IMPACTS FOUND TO BE SIGNIFICANT EVEN AFTER MITIGATION

The following impact areas were concluded by the Draft EIR to remain significant and unavoidable following implementation of all feasible mitigation measures described in the Final EIR. Consequently, in accordance with CEQA Guidelines Section 15093, a Statement of Overriding Considerations has been prepared (see Section XI of these Findings).

1. Air Quality

(A) Analysis of Project Impacts

(i) Consistency with Air Quality Management Plan

a. Construction

As described on pages IV.B-42 through IV.B-57 of the DEIR, the Project would not conflict with or obstruct the implementation of the Air Quality Management Plan (AQMP), and impacts would be less than significant. The analysis in the Draft EIR, as briefly summarized below, is organized by discussing the Project's construction and operational consistency with control strategies and growth projections.

As described on page IV.B-43 of the Draft EIR, the Project would result in a short-term and temporary significant impact with respect to regional nitrogen oxide (NO_x) emissions during construction. However, the short-term and temporary impact would not conflict with the SCAQMD's long-term plans to achieve the ambient air quality standards. Compliance with the measures and requirements described on page IV.B-43 of the Draft EIR would be consistent with and meets or exceeds the AQMP requirements for control strategies intended to reduce

emissions from construction equipment and activities.

As described on pages IV.B-43 through IV.B-44 of the Draft EIR, being relatively small in number and temporary in nature, construction jobs under the Project would not conflict with the long-term employment projections upon which the AQMP is based.

b. Operations

As described on pages IV.B-44 through IV.B-49 of the Draft EIR, the Project has been designed to incorporate features to attract pedestrians and to promote non-motorized transportation modes such as walking and biking. Further, its land use characteristics (including increased density, location efficiency, increased land use diversity and mixed-uses, etc.), many of which overlap the strategies in the AQMP, have also been shown by the California Air Pollution Control Officers Association to reduce vehicle trips and vehicle miles traveled (VMT), and corresponding vehicle emissions; the Project's incorporation of these features further demonstrates its consistency with the AQMP by reducing vehicle trips, VMT and other associated emissions.

As described on pages IV.B-49 through IV.B-50 of the Draft EIR, the Project's increase in population, housing, and employment are consistent with SCAG's RTP/SCS goals and would be consistent with the growth projections for the period between 2023 and 2040 for the City as a whole (refer to Section IV.J, *Population and Housing*, of the Draft EIR). The Project would be consistent with the growth projections as contained in SCAG's RTP/SCS, which form the basis of the growth projections in the 2016 AQMP.

As described on pages IV.B-50 through IV.B-57 of the Draft EIR, and as shown in Table IV.B-5, of the Draft EIR, which evaluates the consistency of the Project with the applicable air quality goals, objectives, and policies in the Air Quality Element of the General Plan, the Project would not conflict with or be inconsistent with applicable air quality policies of the General Plan.

(ii) Consistency with Air Quality Standards

a. Construction Emissions

As described on pages IV.B-57 through IV.B-59 of the Draft EIR, the results of the criteria pollutant emissions calculations for VOC, NO_x, CO, SO_x, PM₁₀, and PM_{2.5} are presented in Table IV.B-6 of the DEIR. These calculations assume compliance with applicable dust control measures required to be implemented during each phase of construction, as required by SCAQMD Rule 403 (Control of Fugitive Dust). As shown in Table IV.B-6 of the DEIR, construction-related daily emissions would potentially exceed the SCAQMD significance threshold for NO_x only. Emissions levels of VOC, CO, SO_x, PM₁₀, and PM_{2.5} would be below the applicable significance threshold. Therefore, with respect to regional emissions from construction activities, NO_x impacts would be potentially significant.

b. Operational Emissions

As described on pages IV.B-60 through IV.B-61 of the Draft EIR, the results of the criteria pollutant emission calculations for VOC, NO_x, CO, SO_x, PM₁₀, and PM_{2.5} are presented in Table IV.B-7 of the Draft EIR. The Project's operational-related daily emissions would potentially exceed the SCAQMD significance threshold for NO_x. Emissions levels of VOC, CO, SO_x, PM₁₀, and PM_{2.5}

would be below the applicable significance threshold. Therefore, with respect to regional emissions from operational activities, NO_x impacts would be potentially significant.

(iii) Criteria Pollutants

a. Construction Emissions

As described on page IV.B-62 of the Draft EIR, the Project would have the potential to result in a cumulatively considerable net increase of NO_x emissions, for which the Project region is in non-attainment under an applicable federal or state ambient air quality standard, and impacts would be considered potentially significant. Furthermore, the Errata clarifies MM-AQ-1 to state that construction equipment must comply with Tier 4 Final standards, as reflected in the CalEEMod worksheets of the Draft EIR. As set forth in the Draft EIR and clarified in the Errata, the use of Tier 4 Final equipment will be a requirement in the Project bid documents, and a successful bid must include proof that the equipment will comply with MM-AQ-1.

Although a mitigation measure requiring 2010 model year or newer engines is not necessary because this is already substantially required through the CARB 2008 Truck and Bus Regulation, as set forth in the Errata, the following subparagraph d. has been added to MM-AQ-1 to ensure the maximum use of 2010 model or newer engines during the concrete pouring foundation phases:

- d. All concrete trucks used during the Project's concrete pouring foundation shall have 2010 model or newer engines. Prior to issuance of a building permit, the applicant shall provide evidence (such as copies of contracts with concrete subcontractors with specifications or engine certifications) satisfactory to the Department of City Planning demonstrating compliance with this measure.

As detailed in the Errata, even with the implementation of these added measures to MM-AQ-1, Project-level and cumulative impacts related to regional NO_x construction emissions would remain significant and unavoidable during the two continuous concrete pouring foundations phases, which are expected to last up to approximately two days each.

b. Operational Emissions

As described on pages IV.B-62 through IV.B-63 of the Draft EIR, as shown in Table IV.B-7, maximum daily regional NO_x emissions from operation of the Project would exceed the applicable significance threshold. Therefore, operational impacts would be considered potentially significant prior to the implementation of feasible mitigation. As discussed below, impacts related to regional NO_x operational emissions would be mitigated to a less than significant level.

(iv) Sensitive Receptors

a. Construction

As described on pages IV.B-63 through IV.B-68 of the Draft EIR, maximum localized construction emissions for sensitive receptors within 25 meters of the Project Site would exceed the localized significance thresholds (LSTs) for NO_x, PM₁₀, and PM_{2.5} based on the assumptions described in subsection IV.B.3.a(4) of the Draft EIR. Therefore, with respect to localized construction emissions, impacts to existing and future receptors would be considered potentially significant.

As described on page IV.B-69 of the Draft EIR, impacts from toxic air contaminants (TACs) during construction would be less than significant.

b. Localized Operations Impacts

As described on pages IV.B-68 through IV.B-69 of the Draft EIR, the Project's maximum localized operational emissions would not exceed the LSTs for NO_x and CO, but would exceed the LSTs for PM₁₀ and PM_{2.5}. Therefore, with respect to localized operational emissions from operational activities, PM₁₀ and PM_{2.5} impacts would be potentially significant.

As described on pages IV.B-70 through IV.B-71 of the Draft EIR, based on the uses expected on the Project Site, potential long-term operational impacts associated with the release of TACs would be minimal, regulated, and controlled, and would not be expected to exceed the SCAQMD significance threshold. Therefore, impacts would be less than significant.

Furthermore, as set forth in March 2020 Responses, neither the SCAQMD nor the OEHHA guidance require preparation of a quantitative HRA for the Project. Nonetheless, a refined quantitative HRA was prepared to assess the Project's potential health risks due to TAC emissions during construction and operation. This refined HRA, which is attached as Appendix A to the March 2020 Responses, further demonstrates that such impacts would be less than significant, consistent with the conclusions in the Draft EIR.

As described on pages IV.B-71 through IV.B-73 of the Draft EIR, the Project would not contribute to the formation of CO hotspots, and no further CO analysis is required. The Project would result in less than significant impacts with respect to CO hotspots.

Furthermore, as set forth in March 2020 Responses, compliance with applicable regulations will limit the use of building materials with formaldehyde. With compliance with existing regulations, the Project would not result in cancer risk exposure from formaldehyde in Project building materials that would exceed the SCAQMD's significance threshold, and such impacts would be less than significant.

(B) Cumulative Impacts

(i) Project-Specific Impacts

As described on pages IV.B-73 through IV.B-75 of the Draft EIR, the Project would result in the emission of criteria pollutants for which the region is in non-attainment during both construction and operation. Based on the Project-specific level of emissions, the Project's cumulative impacts would be potentially significant for construction for regional NO_x emissions even with implementation of the mitigation measures listed below. Therefore, cumulative impacts related to regional NO_x construction emissions would be significant and unavoidable during the two continuous concrete pouring foundations phases, which are expected to last up to approximately two days each.

The Project's exceedance of the mass regional NO_x emissions threshold from temporary construction activities (in this case just for two days during concrete pours) does not necessarily indicate that the Project will cause or contribute to the exposure of sensitive receptors to ground-level concentrations in excess of health-protective levels, and it is not reasonably feasible to correlate the Project's exceedance of the NO_x significance threshold during two days of concrete

pours to ozone-related health impact.

With implementation of the mitigation measures listed below, localized emissions from construction would be reduced to below the applicable LSTs, and cumulative impacts related to localized NOx, PM10 and PM2.5 construction emissions would be mitigated to less than significant.

(ii) Consistency with Air Quality Management Plan

As described on pages IV.B-75 through IV.B-77 of the Draft EIR, as the Project would not conflict with or obstruct implementation of the 2016 AQMP and is would be consistent with the AQMP, the Project's cumulative operational impacts with respect to AQMP consistency would be less than significant.

(C) Project Design Features

PDF-AQ-1: Green Building Features: The Project will be designed to achieve the equivalent of the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) Silver Certification level for new buildings. The Project will demonstrate compliance with the LEED Silver Certification or equivalent by providing architectural and engineering documentation, building energy modeling simulations, and other supporting evidence consistent with USGBC accepted documentation standards. Pre-construction documentation that indicates the Project is designed to achieve the number of points required for LEED Silver Certification will be provided to the City prior to building permit issuance. Post-construction documentation that indicates the Project operates within the expected parameters to achieve the number of points required for LEED Silver Certification will be provided to the City after completion of LEED Silver Certification commissioning activities.

PDF-AQ-2: Electric Vehicle Parking Features: The Project will designate a minimum of ten (10) percent of the Code-required on-site nonresidential parking for carpool and/or alternative-fueled vehicles. The Project will ensure that at least twenty (20) percent of the total code-required parking spaces provided for all types of parking facilities are capable of supporting future electric vehicle supply equipment (EVSE), with 5 percent of the Code-required spaces further improved with electric vehicle charging stations. Plans will indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design will be based upon Level 2 or greater EVSE at its maximum operating capacity. Only raceways and related components are required to be installed at the time of construction. When the application of the 20 percent results in a fractional space, the Applicant will round up to the next whole number. A label stating "EV CAPABLE" will be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

(D) Mitigation Measures

MM-AQ-1: The Applicant shall implement construction equipment features for equipment operating at the Project Site. These features shall be included in applicable bid documents and successful contractor(s) must demonstrate the ability to supply such equipment prior

to the commencement of any construction activities. Construction features will include the following:

- a. During plan check, the Project representative shall make available to the lead agency and SCAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used during any of the construction phases. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each such unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided on-site at the time of mobilization of each applicable unit of equipment to allow the Construction Monitor to compare the on-site equipment with the inventory and certified Tier specification and operating permit. Off-road diesel-powered equipment equal to or greater than 50 horsepower that will be used during any portion of the construction activities shall meet or exceed the Tier 4 Final standards. Construction contractors supplying heavy duty diesel equipment greater than 50 horsepower shall be encouraged to apply for SCAQMD SOON funds. Information including the SCAQMD website shall be provided to each contractor which uses heavy duty diesel for on-site construction activities.
- b. Equipment such as tower cranes and signal boards shall be electric or alternative fueled (i.e., non-diesel). Pole power shall be made available for use for electric tools, equipment, lighting, etc. Construction equipment such as tower cranes and signal boards shall utilize electricity from power poles or alternative fuels (i.e., non-diesel), rather than diesel power generators and/or gasoline power generators. If stationary construction equipment, such as diesel- or gasoline-powered generators, must be operated continuously, such equipment shall be located at least 100 feet from sensitive land uses (e.g., residences, schools, childcare centers, hospitals, parks, or similar uses), whenever possible.
- c. Alternative-fueled generators shall be used when commercial models that have the power supply requirements to meet the construction needs of the Project are commercially available from local suppliers/vendors. The determination of commercial availability of such equipment will be made by the City prior to issuance of grading or building permits based on applicant-provided evidence of the availability or unavailability of alternative-fueled generators and/or evidence obtained by the City from expert sources such as construction contractors in the region.
- d. All concrete trucks used during the Project's concrete pouring foundation shall have 2010 model or newer engines. Prior to issuance of a building permit, the applicant shall provide evidence (such as copies of contracts with concrete subcontractors with specifications or engine certifications) satisfactory to the Department of City Planning demonstrating compliance with this measure.

MM-AQ-2: The Applicant shall implement the following measures to reduce the emissions of air pollutants generated by heavy-duty diesel-powered equipment operating at the Project Site:

- a. Contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. During construction, trucks and vehicles in loading and unloading queues shall have their engines turned off after 5 minutes when not in use, to reduce vehicle emissions.

- b. All construction equipment shall be properly tuned and maintained in accordance with the manufacturer's specifications. The contractor shall keep documentation on-site demonstrating that the equipment has been maintained in accordance with the manufacturer's specifications. Tampering with construction equipment to increase horsepower or to defeat emission control devices shall be prohibited.
- c. Construction activities shall be discontinued during second-stage smog alerts. A record of any second-stage smog alerts and of discontinued construction activities as applicable shall be maintained by the Contractor on-site.

MM-AQ-3: Landscaping Equipment: The Project representative will require that landscaping equipment used on the Project Site be electric- or battery-powered, rather than liquid fossil-fueled or use equipment that do not require a power or fuel source. Prior to occupancy of the residential towers, the Project representative shall provide documentation to the City of the use of landscaping contractors, service providers, or maintenance crews that will use equipment that meet the specified requirements. Documentation shall be maintained for the duration of landscaping services and made available to the City upon request.

MM-AQ-4: Restaurant Charbroiling: The Project representative will limit the number of restaurants permitted to utilize under-fired charbroiling equipment to two restaurants or less. Restaurants with under-fired charbroiling equipment will meet applicable SCAQMD emission control requirements. Prior to occupancy of the designated commercial spaces by restaurant tenants, the Project representative shall provide documentation to the City of the number of Project Site restaurants with under-fired charbroiling equipment. Documentation shall be maintained and made available to the City upon request.

MM-AQ-5: Emergency Generators: The Project representative will schedule routine maintenance and testing of the emergency generators installed on the Project Site on different days. Prior to the installation of emergency generators, the Project representative shall supply documentation to the City that emergency generator testing by contractors, service providers, or maintenance crews will be conducted in accordance with the specified requirements. The Project representative shall maintain records of emergency generator testing, including testing dates, which shall be made available to the City upon request.

(E) Finding

(i) Construction

Regarding regional emissions from construction, Project-level and cumulative impacts related to regional NO_x construction emissions will be significant and unavoidable following implementation of MM AQ-1 and MM AQ-2. The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible additional mitigation measures or Project alternatives identified in the EIR to reduce the Project's regional NO_x construction emissions to be less than significant.

Regarding localized emissions from construction, with implementation of MM AQ-1 and MM AQ-2, impacts related to localized NO_x, PM₁₀ and PM_{2.5} construction emissions would be mitigated

to less than significant, and, pursuant to Public Resources Code Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potential significant effects as identified in the EIR.

(ii) Operation

Regarding regional emissions from operations, with implementation of MM AQ-3, MM AQ-4, and MM AQ-5, impacts related to regional NO_x operational emissions would be mitigated to less than significant, and, pursuant to Public Resources Code Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potential significant effects as identified in the EIR.

Regarding localized emissions from operations, with implementation of MM AQ-3, MM AQ-4 and MM AQ-5, impacts related to localized PM₁₀ and PM_{2.5} operational emissions would be mitigated to less than significant, and, pursuant to Public Resources Code Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potential significant effects as identified in the EIR.

All other construction and operational air quality impacts would be less than significant without mitigation.

(F) Rationale for Finding

(i) Construction

Implementation of MM AQ-1 and MM AQ-2 would minimize localized NO_x, PM₁₀, and PM_{2.5} emissions from all construction phases to below the localized numeric indicators. Therefore, impacts related to localized NO_x, PM₁₀ and PM_{2.5} construction emissions would be mitigated to less than significant.

The Project's mitigated regional and localized construction emissions are summarized in Table IV.B-11, Table IV.B-12, and Table IV.B-13 of the Draft EIR, and in Appendix A to the Errata. Implementation of MM AQ-1 and MM AQ-2 would minimize regional NO_x emissions to below the SCAQMD regional significance thresholds for all phases of Project construction except for regional NO_x emissions during the two continuous concrete pouring foundations phases. Because concrete trucks from a variety of area concrete suppliers would be required to deliver the volume of concrete necessary for the continuous concrete pouring foundations phases, there are no feasible mitigation measures that would reduce the NO_x emissions from the concrete trucks to below the regional numeric indicator. It is not possible to reduce the number of concrete trucks needed to complete the continuous concrete pouring phase without compromising the integrity of the building foundations. Therefore, even after implementation of all feasible mitigation, including the use of Tier 4 final standards and 2010 model or newer truck engines as set for the in the Errata, impacts related to regional NO_x construction emissions would remain temporarily significant during the two continuous concrete pouring foundations phases, which are expected to last up to approximately two days each. Regional construction impacts would be significant and unavoidable for NO_x.

The Project's contribution to cumulatively significant construction impacts to air quality would be potentially significant for regional NO_x during the approximately two continuous concrete pouring construction activities lasting up to two days each. While the Project would result in regionally significant and unavoidable NO_x and ozone precursor impacts during the two continuous concrete

pouring activities lasting up to two days each, the short-term duration and limited magnitude of the impact limits the potential for exposure and health impacts to sensitive receptors and would not jeopardize long-term air quality plans to attain the health-based ambient air quality standards in the Air Basin. Ozone formation occurs through a complex photo-chemical reaction between NO_x and VOCs in the atmosphere with the presence of sunlight and the impacts of ozone are typically considered on a basin-wide or regional basis. Because the concrete trucks would come from various facilities in the area and would be distributed along the roadway network, the total NO_x emissions from the concrete trucks would not be concentrated at a single site. Through atmospheric and geographical dispersion, NO_x-related health impacts from the short-term concrete pouring activities would not be expected to occur to a measurable degree.

With implementation of MM AQ-1 and MM AQ-2, the localized NO_x, PM10 and PM2.5 emissions from construction would be reduced to below the localized numeric indicators and impacts related to localized NO_x, PM10 and PM2.5 construction emissions would be mitigated to less than significant.

(ii) Operation

The Project would result in potentially significant operational impacts due to regional emissions of NO_x above the regional significance threshold. In addition, the Project would result in potentially significant operational impacts due to localized emissions of PM10 and PM2.5 above the LSTs. Therefore, mitigation measures MM AQ-3, MM AQ-4 and MM AQ-5 would be required to reduce operations-related emissions. The Project's mitigated regional and localized operational emissions are summarized in Table IV.B-14 and Table IV.B-15 of the Draft EIR.

Implementation of MM AQ-3, MM AQ-4 and MM AQ-5 would reduce regional NO_x emissions from operations by scheduling routine maintenance of emergency generators so that only one emergency generator is maintained on any given day. With implementation of MM AQ-3, MM AQ-4 and MM AQ-5, the regional NO_x emissions from operations would be reduced to below the regional threshold, and impacts related to regional NO_x operational emissions would be mitigated to less than significant.

Implementation of MM AQ-3, MM AQ-4 and MM AQ-5 would also reduce localized PM10 and PM2.5 emissions from operations of the Project by limiting the number of restaurants permitted to utilize under-fired charbroiling equipment to two restaurants or less. With implementation of MM AQ-3, MM AQ-4 and MM AQ-5, the localized PM10 and PM2.5 emissions from operations would be reduced to below the LSTs, and impacts related to localized PM10 and PM2.5 operational emissions would be mitigated to less than significant.

(G) Reference

Section IV.B, *Air Quality*, and the *Air Quality Technical Report* contained in Appendix C of the Draft EIR.

2. Cultural Resources

(A) Analysis of Project Impacts

(i) Historical Resources

As described on pages IV.C-40 through IV.C-46 of the Draft EIR, with the demolition of the

Executive Building and parking structure, the Project would cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5, as the Executive Building and the Times Mirror Square historic district would no longer be eligible for listing as historical resources in the National Register, California Register, and as a HPOZ. Therefore, this impact would be significant.

(ii) Archeological Resources

As described on pages IV.C-46 through IV.C-47 of the Draft EIR, pockets of undisturbed soil containing archaeological resources that qualify as historical resources or unique archaeological resources under CEQA could be encountered; therefore, impacts are conservatively considered to be potentially significant.

(iii) Paleontological Resources

As described on page IV.C-48 of the Draft EIR, Project implementation may impact unique paleontological resources and/or unique paleontological units. Impacts to paleontological resources are conservatively considered to be potentially significant.

(iv) Human Remains

As described on pages IV.C-48 through IV.C-49 of the Draft EIR, should human remains be encountered during Project construction, implementation of PRC Section 5097.98 and Health and Safety Code Section 7050.5 would reduce potential impact to less than significant. Therefore, the Project would have a less than significant impact with regard to disturbance of any human remains, including those interred outside of formal cemeteries.

(B) Cumulative Impacts

(i) Historical Resources

As described on pages IV.C-49 through IV.C-51 of the Draft EIR, there would be no potential for cumulative impact to historical resources in the immediate vicinity, and there are no cumulative impacts on historical resources that are examples of the same property type as those within the Project Site.

(ii) Archeological Resources

As described on page IV.C-51 of the Draft EIR, to the extent impacts on archaeological resources from related projects may occur, the Project's contribution would not be cumulatively considerable, and the cumulative impacts to archaeological resources associated with the Project would be less than significant.

(iii) Paleontological Resources

As described on pages IV.C-51 through IV.C-52 of the Draft EIR, to the extent impacts on paleontological resources from related projects may occur, the Project's contribution would not be cumulatively considerable, and cumulative impacts on paleontological resources would be less than significant.

(iv) Human Remains

As described on page IV.C-52 of the Draft EIR, because the Project is required to comply with regulatory provisions addressing the handling of human remains inadvertently uncovered during excavation activities, cumulative impacts on human remains would be less than significant.

(C) Project Design Features

PDF-CUL-1: The Project will prepare a Historic Structure Report (HSR) that will further document the history of the Times, Plant, and Mirror Buildings and guide their rehabilitation in compliance with the Secretary of the Interior's Standards for Rehabilitation (Standards). The HSR will be completed prior to the development of architectural or engineering plans for the rehabilitation. The HSR will be prepared based upon the National Park Service's Preservation Brief #43: The Preparation and Use of Historic Structure Reports. The HSR will provide documentary, graphic, and physical information about the existing conditions of the character-defining features and make recommendations for both changes to the buildings to suit new uses and modern amenities as well as their on-going maintenance after Project completion. The HSR will specifically address the treatment of the west elevations with regard to the demolition of the Executive Building and parking structure as well as a new design that combines the rehabilitation of the lower stories and reconstruction of the upper stories.

(D) Mitigation Measures

(i) Historical Resources

MM-CUL-1: Historic American Building Survey (HABS): Prior to the issuance of a demolition permit, the Applicant shall have prepared HABS Level II documentation for the Executive Building and parking structure according to the Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation. The HABS report shall:

1. Be prepared by historic preservation professionals meeting the Secretary of the Interior's Professional Qualifications Standards with demonstrated experience in creating HABS Level II documentation.
2. Include photographs taken with large format (4 X 5), black and white film.
 - a. Photographs shall include a minimum of 40 views of the following:
 - i. setting of Times Mirror Square from various oblique and cardinal angles,
 - ii. exterior views of each elevation of the Executive Building and parking structure as well as an assortment of significant architectural features and details, and
 - iii. interior views of significant spaces and details.
 - b. Photographs or a high-resolution digital scan of original drawings, if available
3. Include written historical descriptive data, index to photographs, and photo key plan.

4. Include copies of historic photographs, if available.
5. Be distributed to the following repositories for use by future researchers and educators. Before submitting any documents, each repository must be contacted to ensure that they are willing and able to accept the items:
 - a. Library of Congress - One unbound archival copy including all of the above and one set of negatives.
 - b. Los Angeles Public Library - One bound archival copy including all of the above and one set of negatives.
 - c. Office of Historic Resources (OHR) - One high-quality bound copy with digitally printed photographs per HABS guidelines.

MM-CUL-2: Secretary of the Interior's Standards for Rehabilitation: The Times, Plant, and Mirror Buildings shall be rehabilitated in accordance with the Historic Structure Report and Secretary of the Interior's Standards for Rehabilitation. The rehabilitation plans shall be:

1. Created by a licensed architect meeting the Secretary of the Interior's Professional Qualifications Standards for historic architecture with at least five years of demonstrated experience in the rehabilitation of historic buildings.
2. Reviewed for compliance with the Standards by a historic preservation professional meeting the Secretary of the Interior's Professional Qualifications Standards for historic architecture with at least five years of demonstrated experience in applying the Standards to such projects.
 - a. Reviewer shall create a technical memorandum at each phase (schematic, design and development, and construction documents) of the architectural design process. In the event, the plans do not comply with the Standards, the memorandum shall make recommendations for changes to bring them into compliance.
 - b. Reviewer shall submit the memoranda to OHR for concurrence. Building permits may be issued after OHR has concurred the plans comply with the Standards.

Compliance with the Standards shall be disclosed in the lease agreements, agreed upon in writing, and mutually enforced by the Applicant and the City. The tenants shall not be permitted to conduct work that does not comply with the Standards.

MM-CUL-3: Construction Monitoring (Structural): The Project as it relates to the demolition of the Executive Building and parking structure and construction of the North and South Towers shall be monitored to minimize damage to the Times, Plant, and Mirror Buildings. The construction monitoring shall:

1. Be performed by a licensed structural engineer with at least five years of demonstrated experience in rehabilitating historic buildings of similar size.

2. Include a survey the existing foundations and other structural aspects of the Times, Plant, and Mirror Buildings to establish baseline conditions and provide a shoring design to protect the historical resources from potential damage.
 - a. Survey shall take place prior to any construction activities.
 - b. Pot holing or other destructive testing of the below grade conditions on the Project Site and immediately adjacent to the Times, Plant, and Mirror Buildings may be necessary to establish baseline conditions and prepare the shoring design.
 - c. Monitor shall submit to OHR a pre-construction survey that establishes baseline conditions to be monitored during construction, prior to issuance of any building permit for the Project.
3. Include a meeting with the Project contractor prior to the demolition of the Executive Building and parking structure to discuss minimizing collateral damage to the Times, Plant, and Mirror Buildings.

MM-CUL-4: Construction Monitoring (Historic Architectural): The construction of the Project as it relates to the rehabilitation of the Times, Plant, and Mirror Buildings shall be monitored for compliance with the Standards. The construction monitoring shall:

1. Be performed by a professional meeting the Secretary of the Interior's Professional Qualifications Standards for historic architecture with at least five years of demonstrated experience in rehabilitating historic buildings of similar size.
2. Be performed by the professional at regular intervals during the rehabilitation of the Times, Plant, and Mirror Buildings. The intervals shall include, but not necessarily limited to 50%, 90%, and 100% construction.
 - a. Monitor shall create a technical memorandum at each interval summarizing the findings, making recommendations as necessary to ensure compliance with the Standards, and documenting construction with digital photographs. Compliance with the Standards shall include the review specifications, tests, and mock-ups for the treatment of historic building materials.
 - b. Monitor shall submit the memoranda to OHR for concurrence. In the event OHR does not concur, all activities shall cease until compliance with the Standards is resolved and concurrence is obtained.

(ii) Archeological Resources

MM-CUL-5: Retention of a Qualified Archaeologist: Prior to the start of ground-disturbing activities, the Applicant shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (U.S. Department of the Interior 2008) to carry out the following measures.

MM-CUL-6: Construction Worker Cultural Resources Sensitivity Training: Prior to earth moving activities, the qualified archaeologist shall conduct cultural resources sensitivity training for all construction personnel. Construction personnel shall be informed of the types of archaeological resources that may be encountered, and of the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains. The Applicant shall ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance.

MM-CUL-7: Inadvertent Discoveries of Archaeological Resources: In the event of the unanticipated discovery of archaeological materials, the contractor shall immediately cease all work activities in the area (within approximately 100 feet) of the discovery until it can be evaluated by a qualified archaeologist. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or tool-making debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone or concrete footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. Construction shall not resume until the qualified archaeologist has conferred with the City on the significance of the resource.

If it is determined that the discovered archaeological resource constitutes a historical resource under CEQA, avoidance and preservation in place is the preferred manner of mitigation. In the event that preservation in place is demonstrated to be infeasible and data recovery through excavation is the only feasible mitigation available, a Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist in consultation with the Applicant and the City that provides for the adequate recovery of the scientifically consequential information contained in the archaeological resource.

(iii) Paleontological Resources

MM-CUL-8: A Qualified Paleontologist meeting the Society of Vertebrate Paleontology (SVP) Standards⁵ shall be retained prior to the approval of demolition or grading permits. The Qualified Paleontologist shall provide technical and compliance oversight of all work as it relates to paleontological resources, shall attend the Project kick-off meeting and Project progress meetings on a regular basis, and shall report to the site in the event potential paleontological resources are encountered.

MM-CUL-9: The Qualified Paleontologist shall conduct construction worker paleontological resources sensitivity training prior to the start of ground disturbing activities (including vegetation removal, pavement removal, etc.). In the event construction crews are phased, additional trainings shall be conducted for new construction personnel. The training session shall focus on the recognition of the types of paleontological resources that could be encountered within the Project Site and the procedures to be followed if they are found. Documentation shall be retained demonstrating that all construction personnel attended the training.

⁵ Society of Vertebrate Paleontology, 2010.

MM-CUL-10: Full-time paleontological resources monitoring shall be conducted for all ground disturbing activities occurring in previously undisturbed sediments of older alluvium, the Fernando Formation, and the Puente Formation. The surficial alluvium, as well as any artificial fill present, has low paleontological sensitivity and so work in the upper 15 feet of the Project Site does not need to be monitored. The depth of 15 feet is derived from the records search of the Natural History Museum of Los Angeles County (LACM), which reports fossils recovered in older alluvium from depths of 20 feet in the vicinity of the Project Site.⁶ The Qualified Paleontologist shall spot check the excavation on an intermittent basis and recommend whether the depth of required monitoring should be revised based on his/her observations. Paleontological resources monitoring shall be performed by a qualified paleontological monitor (meeting the standards of the SVP) under the supervision of the Qualified Paleontologist. Monitors shall have the authority to temporarily halt or divert work away from exposed fossils in order to recover the fossil specimens. Any significant fossils collected during Project-related excavations shall be prepared to the point of identification and curated into an accredited repository with retrievable storage, such as the LACM. Monitors shall prepare daily logs detailing the types of activities and soils observed, and any discoveries. The Qualified Paleontologist shall prepare a final monitoring and mitigation report to document the results of the monitoring effort.

MM-CUL-11: If construction or other Project personnel discover any potential fossils during construction, regardless of the depth of work or location, work at the discovery location shall cease in a 50-foot radius of the discovery until the Project Paleontologist has assessed the discovery, conferred with the City, and made recommendations as to the appropriate treatment. If the find is deemed significant, it shall be salvaged following the standards of the SVP and curated with a certified repository.

(E) Finding

(i) Historic Resources

Regarding historic resources, impacts will be significant and unavoidable following implementation of MM-CUL-1 through MM-CUL-4. The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible additional mitigation measures or Project alternatives identified in the EIR to reduce the Project's impacts to historic resources to be less than significant.

(ii) Archeological Resources

Regarding impacts to archeological resources, with implementation of Mitigation Measures MM-CUL-5 through MM-CUL-7, impacts will be less than significant, and, pursuant to Public Resources Code Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potential significant effects as identified in the EIR.

(iii) Paleontological Resources

Regarding impacts to paleontological resources, with implementation of Mitigation Measures MM-

⁶ McLeod, 2015.

CUL-8 through MM-CUL-11, impacts will be less than significant, and, pursuant to Public Resources Code Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potential significant effects as identified in the EIR.

(iv) Human Remains

Impacts to human remains will be less than significant with implementation of regulatory requirements, and no mitigation measures are required.

(F) Rationale for Finding

(i) Historic Resources

The Project as proposed involves three activities: demolition; rehabilitation; and new construction. The demolition of the Executive Building and parking structure would have a significant impact on the Executive Building as well as the Times Mirror Square historic district. These resources would be materially impaired by the demolition component of the Project. These resources would no longer be able to convey their significance that justified their eligibility for listing in the National and California Registers or for designation a Historic Cultural Monument (HCM) or Historic Preservation Overlay Zone (HPOZ). While Mitigation Measures MM-CUL-1 through MM-CUL-4 would be implemented, they would not reduce the impact to a level of less than significant. Therefore, demolition of these structures would result in a significant and unavoidable impact to historic resources. The Draft EIR considered both a full and a partial preservation alternative. These alternatives are rejected as infeasible for the reasons set forth below.

The demolition, rehabilitation, and new construction activities would have a less than significant impact on the Times, Plant, and Mirror Buildings because they would not be materially impaired. While the demolition and rehabilitation components of the Project would require alterations to the Times, Plant, and Mirror Buildings, they would retain sufficient integrity to convey their significance. Indeed, it is more likely that their integrity would be improved rather than diminished by the alterations. Thus, they would remain eligible for listing in the National Register, listed in the California Register, and for designation as HCMs. Nevertheless, Mitigation Measures MM-CUL-1 through MM-CUL-4, and MM-NOISE-5 and MM-NOISE-6 would be implemented to reduce potential impacts on these buildings and promote the highest level of preservation standards. In addition, the Project would incorporate PDF-CUL-1, which requires the preparation of a Historic Structure Report. With implementation of these mitigation measures, the potential impacts on the Times, Plant, and Mirror buildings from excavation and grading and the use of vibratory equipment during the construction of the new buildings would be reduced to less than significant.

The historic resources in this area include the LACCHD (which includes 18 contributors), Los Angeles City Hall, and the Higgins Building. The physical characteristics of the buildings and their settings that convey their significance would not be altered in any way by the Project. Thus, there would be no significant indirect impact on the County Law Library or the Higgins Building. There would be no significant impact on the contributing buildings or features in the LACCHD and, therefore, there would be no significant impact on the LACCHD as a whole. Given these less-than-significant impacts, no mitigation measures were recommended.

The analysis also concluded that the current undertaking would not result in a cumulatively considerable impact to historical resources that are examples of the same property type.

(ii) Archeological Resources

With implementation of Mitigation Measures MM-CUL-5 through MM-CUL-7 above, the Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the State *CEQA Guidelines*. Implementation of the above mitigation measures provide for appropriate treatment and/or preservation of resources if encountered. Potentially significant impacts to archaeological resources would be reduced to a less-than-significant level.

(iii) Paleontological Resources

With implementation of Mitigation Measures MM-CUL-8 through MM-CUL-11 above, the Project would not cause a substantial adverse change in the significance of a paleontological resource or unique geologic features. The implementation of the above mitigation measures provides for appropriate treatment and impacts to paleontological resources would be reduced to a less-than-significant level.

(iv) Human Remains

With implementation of PRC Section 5097.98 and Health and Safety Code Section 7050.5, the Project would not cause a significant impact to human remains. No mitigation measures are required.

(G) Reference

Section IV.C, *Cultural Resources*, and Appendix D of the Draft EIR, which includes a *Historical Resources Technical Report* (Appendix D-1), an *Archaeological Resources Assessment Report* (Appendix D-2), and a *Paleontological Resources Assessment Report* (Appendix D-3) prepared for the Project.

3. Noise

(A) Analysis of Project Impacts

(i) Construction Noise

a. On-Site Construction Noise

As described on pages IV.I-31 through IV.I-36 of the Draft EIR, as shown in Table IV.I-7 of the Draft EIR, construction noise levels are estimated to reach a maximum of 90 dBA L_{eq} at the nearest sensitive receptor (at measurement location R1, The Federal Courthouse). This would exceed the 70.4 dBA L_{eq} significance threshold at R1 (lowest hourly L_{eq} daytime ambient noise level of 65.4 dBA L_{eq} at R1 in Table IV.I-4 plus 5 dBA). Sensitive receptor locations R3, R4, R5, and R6 would be exposed to construction noise levels which would exceed the daytime significance thresholds of 77.8 dBA L_{eq} at R3, 73.5 dBA L_{eq} at R4, 70.0 dBA L_{eq} at R5, and 71.3 dBA L_{eq} at R6.

Construction noise during the foundation/continuous concrete phase is included in the construction noise levels shown in Table IV.I-7 of the Draft EIR and detailed in Appendix I to the Draft EIR. The concrete pour activities on-site would last up to two days each for the two continuous concrete pouring foundation phases, which would need to extend beyond daytime

hours (one nighttime and early morning period each) due to the need for concrete pours to be continuous (for example, up to 18 hours). For the construction calculations used in Table IV.I-7 and detailed in Appendix I, nighttime construction noise levels during the on-site foundation concrete pours would be 78 dBA L_{eq} at R1, 74 dBA L_{eq} at R3, 68 dBA L_{eq} at R4, 64 dBA L_{eq} at R5, and 62 dBA L_{eq} at R6. These noise levels would exceed the respective significance threshold of 65.4 dBA at R1, 67.7 dBA L_{eq} at R4, and 59.1 dBA L_{eq} at R6; however, they would not exceed the 68.4 dBA L_{eq} threshold at R5.

As such, the Project would have a potentially significant construction noise impact on the nearby sensitive receptors. Impacts at all other sensitive receptor locations would be less than significant.

In addition, as described on pages IV.I-35 through IV.I-36 of the Draft EIR, with respect to Related Project No. 110, this future mixed-use residential development would not be occupied by residents during construction of the Project, and as such, there would no impacts to these future residents from construction-related noise from the Project.

b. Off-Site Construction Noise

As described on pages IV.I-36 through IV.I-37 of the Draft EIR, as shown in Table IV.I-8 of the Draft EIR, the Project's truck trips and worker trips would generate maximum noise levels of approximately 68.8 dBA L_{eq} along W. 2nd Street.

As shown in Table IV.I-8 of the Draft EIR, off-site construction traffic noise levels generated by construction worker and truck trips would not exceed the daytime significance thresholds along the truck routes, but would exceed the applicable nighttime significance thresholds along the truck route on S. Broadway, Los Angeles Street, and W. 2nd Street. Therefore, off-site construction traffic noise impacts would be significant during nighttime hours.

(ii) Operational Noise

a. Impacts Under Existing Traffic Baseline Conditions

As described on pages IV.I-37 through IV.I-41 of the Draft EIR, operation of the Project would not result in off-site traffic-related noise impacts in excess of City standards and impacts would be less than significant.

b. Impacts Under Future (2023) Traffic Conditions

As described on pages IV.I-41 through IV.I-44 of the Draft EIR, the Project-related noise increases would be less than the threshold established by the City; therefore, impacts would be less than significant.

c. Open Space

As described on pages IV.I-45 through IV.I-47 of the Draft EIR, open space noise impacts would be less than significant.

d. Fixed Mechanical Equipment

As described on pages IV.I-47 through IV.I-48 of the Draft EIR, impacts from fixed mechanical

equipment noise would be less than significant.

e. Refuse Collection Areas

As described on page IV.I-48 of the Draft EIR, impacts from refuse collection area noise would be less than significant.

f. Loading Dock Areas

As described on pages IV.I-48 through IV.I-49 of the Draft EIR, because the loading area noise would not increase ambient noise levels at the nearest noise sensitive receptor location (R1) by 5 dBA, impacts would be less than significant.

g. Emergency Generator

As described on pages IV.I-49 through IV.I-50 of the Draft EIR, impacts from the emergency generator noise would be less than significant.

h. Parking Structure

As described on pages IV.I-50 through IV.I-51 of the Draft EIR, impacts from parking structure noise would be less than significant.

i. Composite Noise Level Impacts from Project Operations

As described on pages IV.I-51 through IV.I-53 of the Draft EIR, as shown in Table IV.I-11 of the Draft EIR, the Project's operational composite noise would be less than significant.

j. Conclusion Regarding Operational Noise

Operational off-site traffic noise and on-site composite operational noise would be less than significant.

(iii) Site Compatibility (Proposed On-Site Noise-Sensitive Uses)

As described on pages IV.I-53 through IV.I-54 of the Draft EIR, the Project would locate new noise-sensitive uses on the Project Site in an existing urban setting, which may subject future residents of the Project to typical types of urban noise sources, such as traffic noise. In accordance with the City's Building Code, the Project would be required to include noise insulation features for multi-family buildings in the design of the residential buildings, such as insulated windows and doors, in order to achieve the interior noise limits of 45 dBA CNEL. The Project would be required to comply with these regulations; therefore, impacts would be less than significant.

(iv) Construction Vibration

a. Structural Damage

As described on pages IV.I-54 through IV.I-57 of the Draft EIR, Table IV.I-13 of the Draft EIR provides the estimated vibration levels at the Times, Plant, and Mirror Buildings, and the Federal Courthouse.

As shown in Table IV.I-13, structural damage vibration impacts to the Times, Plant, and Mirror Buildings would be potentially significant. The potential vibration impacts for structural damage at offsite buildings would be less than significant. The potential vibration impacts for building damage due to off-site haul trucks would be less than significant.

b. Human Annoyance

As described on pages IV.I-57 through IV.I-59 of the Draft EIR, vibration impacts related to human annoyance due to on-site construction would be less than significant.

In addition, even though haul trucks would pass vibration sensitive receptors along the haul routes for only a few seconds, groundborne noise impacts on sensitive receptors for human annoyance along the haul routes could be conservatively considered to be significant.

In addition, as discussed previously, based on available information, the Future Mixed-Use Residential Development planned for future construction over the future Metro Station at the corner of 2nd Street and Broadway, approximately 50 feet southwest of the Project Site, is not expected to be in operation and occupied during construction of the Project. As such, there would be no impacts to these future residents from construction-related vibration from the Project.

c. Conclusion Regarding Construction Vibration

Therefore, as described on pages IV.I-59 through IV.I-60 of the Draft EIR, and as summarized above, the Project would result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels with respect to construction-related potential structural damage impacts to the on-site Times, Plant, and Mirror Buildings and human annoyance impacts from off-site truck traffic.

(v) Operational Vibration

As described on pages IV.I-59 through IV.I-60 of the Draft EIR, vibration impacts associated with operation of the Project would be below the significance threshold and impacts would be less than significant.

Project operation would not generate excessive vibration levels at sensitive receptor locations. Thus, operational impacts would be less than significant.

(vi) Substantial Increase in Ambient Noise

As described on page IV.I-60 of the Draft EIR, operational off-site traffic noise and on-site composite operational noise would be less than significant.

As described on pages IV.I-60 through IV.I-61 of the Draft EIR, Project construction would result in substantial temporary or periodic increase in ambient noise levels in the Project vicinity above existing levels existing without the incorporate of mitigation.

(vii) Airport Use

As described on pages IV.I-61 through IV.I-62 of the Draft EIR, the Project would not expose people in the Project vicinity to excessive noise levels from airport use. No impact would occur, and no mitigation measures are required.

(B) Cumulative Impacts

(i) Construction

As described on pages IV.I-62 through IV.I-63 of the Draft EIR, cumulative construction noise impacts from on-site construction activities are conservatively considered to be significant.

As described on pages IV.I-63 through IV.I-66 of the Draft EIR, should Related Project No. 110 be constructed concurrently with the Project, cumulative noise due to construction truck traffic from the Project and other nearby related projects noted in this section has the potential to exceed the ambient noise levels along S. Los Angeles Street by 5 dBA. As such, cumulative daytime noise impacts from off-site construction are conservatively considered to be significant.

As described on page IV.I-66 of the Draft EIR, off-site construction noise impacts during the nighttime would be cumulatively considerable and cumulative off-site construction nighttime noise impacts would be cumulatively significant.

(ii) Operations

As described on pages IV.I-66 through IV.I-70 of the Draft EIR, the Project's contribution to off-site traffic-related noise would not be cumulatively considerable and impacts would be less than significant.

In addition, as described on page IV.I-70 of the Draft EIR, cumulative stationary source noise impacts would be less than cumulatively significant.

(iii) Groundborne Vibration

As described on pages IV.I-70 through IV.I-71 of the Draft EIR, during construction potential cumulative groundborne noise impacts for human annoyance would be cumulatively significant.

As described on page IV.I-71 of the Draft EIR, cumulative vibration impacts for structural damage would not occur.

(C) Project Design Features

PDF NOISE-1: The Project will not require or allow blasting, involving the use of explosives, during construction activities.

PDF NOISE-2: Where power poles are available, electricity from power poles and/or solar-powered generators rather than temporary diesel or gasoline generators shall be used during construction.

PDF NOISE-3: The Project will not require or allow operation of any amplified sound system in the outdoor plaza areas, including the residential and office terraces, outdoor dining areas, and paseo.

PDF NOISE-4: The Project will limit the maximum occupancy of the Office Terrace to 150 people and the Residential Terrace to 200 people at any one time. A sign will be posted at the main entrances to these areas of the occupancy limit.

PDF NOISE-5: Emergency generators would be designed to meet the requirements of LAMC Chapter XI, Section 112.02. Section 112.02 of the LAMC requires that any mechanical system within any zone of the City not cause an increase in ambient noise levels on any other occupied property or if a condominium, apartment house, duplex, or attached business, within any adjoining unit to exceed the ambient noise level by more than 5 dBA.

(D) Mitigation Measures

(i) Construction

MM-NOISE-1: The Project shall provide a temporary 10-foot-tall construction fence equipped with noise reduction materials such as noise blankets rated to achieve sound level reductions of at least 5 dBA between the Project Site and the sensitive receptor locations R1 and R3 through R6.⁷ Temporary noise barriers shall be used to block the line-of-sight between the construction equipment and the noise-sensitive receptor during early Project construction phases (up to the start of framing) when the use of heavy equipment is prevalent. The noise barrier shall have a minimum sound transmission class (STC) of 25 and noise reduction coefficient (NRC) of 0.75.^{8, 9} At Plan Check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure.

MM-NOISE-2: Contractors shall ensure that all construction equipment, fixed or mobile, are equipped with properly operating and maintained noise shielding and muffling devices, consistent with manufacturers' standards. Construction contractor shall keep documentation on-site demonstrating that the equipment has been maintained in accordance with the manufacturers' specifications. Contractor shall also keep documentation on-site prepared by a noise consultant verifying compliance with this measure.

MM-NOISE-3: In order to reduce high noise levels at the Federal Courthouse located at 350 W. 1st St, Los Angeles, across S. Broadway from the Project Site, construction activities shall be scheduled to avoid operating several pieces of Heavy-Duty Equipment simultaneously. Heavy-Duty Equipment subject to the restrictions provided herein applies to all equipment generating noise levels of greater than 75 dBA L_{eq} as measured at 50 feet from the source. The restrictions for Heavy-Duty Equipment on the Project Site during construction include:

- A maximum of two (2) pieces of Heavy-Duty Equipment within 100 feet from the Courthouse;
- A maximum of four (4) pieces of Heavy-Duty Equipment between 100 feet and 150 feet from the Courthouse; and,

⁷ R1: Federal Courthouse, R3: First and Broadway Civic Center Park and Los Angeles County Law Library, R4: City Hall Park, R5: One-acre park south of the LAPD Headquarters Building and Higgins Building Lofts apartment complex, R6: Kawada Hotel.

⁸ Sound Transmission Class (STC) is an integer rating of how well a wall attenuates airborne sound and Noise Reduction Coefficient (NRC) is a scalar representation of the amount of sound energy absorbed upon striking a wall.

⁹ M. David Egan, Architectural Acoustics, Chapter 2 and Chapter 4.

- A maximum of six (6) pieces of Heavy-Duty Equipment 150 feet or more from the Courthouse.

MM-NOISE-4: In order to reduce high noise levels at the Federal Courthouse across S. Broadway from the operation of a vibratory pile driver, the Project shall provide a temporary pile driver enclosure equipped with noise blankets rated to achieve sound level reductions of at least 10 dBA between the Project Site and the Federal Courthouse. The temporary noise barrier shall be used to block the line-of-sight between the construction equipment and the Federal Courthouse during the operation of vibratory pile driver. The noise barrier shall have a minimum sound transmission class (STC) of 25 and noise reduction coefficient (NRC) of 0.75.¹⁰ Contractor shall keep documentation on-site prepared by a noise consultant verifying compliance with this measure.

MM-NOISE-5: The operation of a vibratory pile driver shall be prohibited within 60 feet of the Times Building, the Plant Building, and the Mirror Building and within 160 feet of the Federal Courthouse building. Instead, a drill rig shall be used within these areas.

MM-NOISE-6: To avoid or minimize potential construction vibration damage to structures and finish materials on the Times Building, the Plant Building, and the Mirror Building, the condition of structures and finish materials shall be documented by a qualified preservation consultant, prior to initiation of construction. Prior to construction, the Applicant shall retain the services of a qualified acoustical engineer to review the proposed construction equipment and develop and implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at the Times, Plant, and Mirror Buildings. During construction, the contractor shall install and maintain at least one continuously operational automated vibrational monitor on the Times Building, the Plant Building, and the Mirror Building. The monitor(s) shall be capable of being programmed with two predetermined vibratory velocities levels: a first-level alarm equivalent to a 0.45 inches per second PPV at the face of the building and a regulatory alarm level equivalent to 0.5 inches per second at the face of the building. The monitoring system shall produce real-time specific alarms (for example, via text message and/or email to on-site personnel) when velocities exceed either of the predetermined levels.

In the event of a first-level alarm, feasible steps to reduce vibratory levels shall be undertaken, including but not limited to halting/staggering concurrent activities and utilizing lower-vibratory techniques. In the event of an exceedance of the regulatory level, work in the vicinity shall be halted and the Times Building, the Plant Building, and the Mirror Building visually inspected for damage. Results of the inspection shall be logged. In the event damage occurs to finish materials due to construction vibration, such materials shall be repaired in consultation with a qualified preservation consultant, and if warranted, in a manner that meets the Secretary of the Interior's Standards.

(ii) Operation

As discussed above, the Project would result in less-than-significant impacts associated with operational noise. Therefore, no operational noise mitigation measure would be required.

As discussed above, the Project would not result in significant impacts associated with operational

¹⁰ M. David Egan, Architectural Acoustics, Chapter 2 and Chapter 4.

vibration. Therefore, no operational vibration mitigation measures would be required.

(E) Finding

(i) Construction Noise

Regarding Project-level and cumulative on-site construction noise, impacts will be significant and unavoidable following implementation of MM-NOISE-1 through MM-NOISE-4. The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible additional mitigation measures or Project alternatives identified in the EIR to reduce the Project's on-site construction noise impacts to be less than significant.

Regarding Project-level and cumulative off-site construction noise, impacts will be significant and unavoidable. The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible additional mitigation measures or Project alternatives identified in the EIR to reduce the Project's off-site construction noise impacts to be less than significant.

(ii) Construction Vibration

Regarding Project-level and cumulative on-site construction vibration impacts with respect to structural damage, with implementation of MM-NOISE-6, impacts will be less than significant, and, pursuant to Public Resources Code Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potential significant effects as identified in the EIR.

Regarding Project-level and cumulative off-site construction vibration impacts with respect to structural damage, impacts would be less than significant without mitigation.

Regarding Project-level and cumulative on-site construction vibration impacts with respect to human annoyance, impacts would be less than significant without mitigation. Implementation of MM-NOISE 5 would further reduce the already less-than-significant impacts.

Regarding Project-level and cumulative off-site construction vibration impacts with respect to human annoyance, impacts would be significant and unavoidable. The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible additional mitigation measures or Project alternatives identified in the EIR to reduce the Project-level and cumulative off-site construction vibration impacts with respect to human annoyance to be less than significant.

(iii) Operational Noise and Vibration

Regarding Project-level and cumulative on- and off-site operational noise and vibration impacts, impacts would be less than significant without mitigation.

(F) Rationale for Finding

(i) Construction Noise

As shown in Table IV.I-17 of the Draft EIR, implementation of MM-NOISE-1 would reduce daytime construction and nighttime off-hours concrete pour noise levels at least 5 dBA at the nearby noise sensitive receptor locations at R1 and R3 through R6. However, the Federal Courthouse located at 350 W 1st St, Los Angeles is taller than the prescribed noise barrier. Therefore, upper levels of the Federal Courthouse building would not have any noise reduction by MM-NOISE-1. In order to be effective, the temporary noise barrier would need to be as high as the Courthouse, which would not be feasible. Implementation of MM-NOISE-2 requires that construction equipment be equipped with noise mufflers. Absorptive mufflers are generally considered commercially available, state-of-the-art noise reduction for heavy-duty equipment. Implementation of MM-NOISE-3 would reduce construction noise levels at least 5 dBA at the Federal Courthouse (see Appendix I, Noise and Vibration Technical Report). Implementation of MM-NOISE-4 would reduce the operation of vibratory pile driver noise levels at least 10 dBA at the Federal Courthouse (location R1) and R3 through R6. However, the noise levels during construction would exceed the applicable noise standards. Therefore, construction of the Project would result in the on-site generation of construction noise levels in excess of standards established by the City, and these impacts would be significant with mitigation incorporated. Implementation of MM-NOISE-1, MM-NOISE-2, MM-NOISE-3, and MM-NOISE-4 would not reduce temporary or periodic increases in ambient noise levels in the Project vicinity above levels existing without the Project to below the significance thresholds established by the City and these temporary impacts would be significant and unavoidable.

A commenter to the Draft EIR proposed to delay construction of the Project until after completion of the 222 W. 2nd Street project, Related Project No. 110, to avoid cumulative impacts from on-site construction noise. As set forth in Response to Comment No. 9-5 of the Final EIR, this measure is rejected as infeasible in that (a) the City does not have the ability or legal authority to require a project applicant to wait a potentially indefinite period of time before applying for ministerial permits, (b) the suggested measure may not be legally feasible under the provisions of the Housing Accountability Act, which precludes the City from placing artificial barriers to the construction of housing, (c) it would conflict with the Project objective to rehabilitate and modernize the Times, Mirror, and Plant Buildings to reduce vacant office space through the rehabilitation of existing offices and creation of employee amenities to generate jobs, (d) delaying construction on the Project to avoid a temporary cumulative construction impacts with the 222 W. 2nd Street project could result in cumulative impacts with other projects in the vicinity, (e) delaying the Project could result in greater construction and operational traffic and mobile noise impacts as traffic conditions are expected to worsen over time due to traffic from the related projects and ambient growth, and (f) delaying the project could result in expiration of the approvals and prevent development of the Project.

Further, Public Resources Code Section 21081(a)(3) provides that the City can find that specific economic, legal, social, technological, or other considerations make certain mitigation measures infeasible. CEQA Guidelines Section 15021(d) provides that when considering how a project is approved, the City "has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian." Delaying the Project would delay the provision

of needed housing, which is a specific economic and social factor that justifies the City's rejection of the suggested measure.

There are no feasible mitigation measures to reduce the Project's noise impacts due to off-site truck trips during the nighttime along the truck routes. There are no feasible mitigation measures to reduce the Project's cumulative noise impacts due to off-site truck trips during the daytime or nighttime along the truck routes in the event of concurrent construction and use of the same streets as haul routes. Therefore, temporary off-site Project construction noise impacts during the nighttime would be significant and unavoidable. Temporary off-site cumulative construction noise impacts during the daytime and nighttime would be significant and unavoidable.

(ii) Construction Vibration

With respect to vibration, implementation of MM-NOISE-5 would reduce vibration velocities at the Federal Courthouse to 69 VdB at 100 feet with the use of a drill rig instead of a vibratory pile driver, which would be below the threshold levels for human annoyance. With the implementation of MM-NOISE-6 for structural damage on the on-site buildings, vibration velocities in excess of the threshold would transmit an alarm to on-site personnel with authorization to halt work in the vicinity. Furthermore, in the event damage occurs to structures and finish materials of the on-site buildings due to construction vibration, such materials would be repaired in consultation with a qualified preservation consultant in a manner that meets the Secretary of the Interior's Standards. Thus, vibration impacts on human annoyance at the Federal Courthouse and on structural damage to the on-site buildings would be mitigated to less than significant.

There are no feasible mitigation measures for groundborne noise impacts due to off-site truck trips along the truck routes when trucks travel rough roads or uneven road surfaces. Conventional mitigation measures, such as construction of noise barrier walls to reduce the off-site construction noise impacts, would not be feasible as the barriers would obstruct access to the properties. Therefore, temporary groundborne noise impacts on human annoyance would be significant and unavoidable.

(iii) Operational Noise

Project-level and cumulative impacts with regard to on-site and off-site operational noise and vibration would be less than significant without mitigation.

(G) Reference

Section IV.I, *Noise*, of the Draft EIR, and the *Times Mirror Square Project Noise and Vibration Technical Report* contained in Appendix I of the Draft EIR.

4. Transportation and Traffic

(A) Analysis of Project Impacts

(i) Construction

As described on pages IV.P-37 through IV.P-48 of the Draft EIR, Project construction would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system,

including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

(ii) Operations Intersections Levels of Service

As described on pages IV.P-48 through IV.P-56 of the Draft EIR, the Project would result in less than significant impacts with respect to highways and freeways, pedestrian and bicycle paths, and mass transit. However, Project operation would conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. Impacts would be significant.

The City has established and historically utilized the Critical Movement Analysis (CMA) methodology, which assesses traffic impacts based on changes in volume to capacity ratios and levels of service (LOS). The Project traffic analysis appropriately used this established methodology. The Draft EIR found that the Project would have significant impacts at six intersections. This finding was based on LADOT's impact criteria for level of service. Level of service is a measure of the operating condition of an intersection and also inherently reflects queuing in that there are greater levels of queuing at worse levels of service.

a. Existing with Project Intersection Service Levels

As described on pages IV.P-50 through IV.P-52 of the Draft EIR, after applying the applicable LADOT significant impact criteria, the Project would result in a significant impact under Existing with Project conditions at one study intersection, when compared to Existing Conditions:

11. S. Broadway & W. 2nd Street (AM & PM peak hours)

b. Future with Project Traffic Conditions

As described on pages IV.P-53 through IV.P-55 of the Draft EIR, After applying the LADOT significant impact criteria, the Project would result in a significant intersection capacity impact under Future with Project conditions at six study intersections, when compared to Future Base conditions:

- 1. S. Figueroa Street & W. 2nd Street (PM peak hour)
- 5. Hill Street & W. 1st Street (AM peak hour)
- 10. Broadway & W. 1st Street (both peak hours)
- 11. S. Broadway & W. 2nd Street (both peak hours)
- 12. S. Broadway & W. 3rd Street (AM peak hour)
- 17. S. Spring Street & W. 2nd Street (AM peak hour)

(iii) Vehicle and Bicycle Parking

As described on page IV.P-56 of the Draft EIR, the Project would provide 1,744 vehicle and 1,274 bicycle parking spaces, which exceeds LAMC requirements and would not result in significant environmental effects related to parking. Therefore, parking impacts would be less than significant. In addition, pursuant to PRC Section 21099 and ZI File No. 2452, parking impacts would not be considered significant.

(iv) Congestion Management Program

a. Arterial Monitoring Stations

As described on pages IV.P-56 through IV.P-57 of the Draft EIR, the Project would result in a less-than-significant impact to CMP arterial monitoring stations.

b. Freeway Monitoring Stations

As described on page IV.P-57 of the Draft EIR, the Project would result in a less-than-significant impact to CMP freeway monitoring stations.

c. Caltrans Freeways and Ramp Queues

As described on page IV.P-57 of the Draft EIR, the Project would result in a less-than-significant impact to Caltrans freeway operations and ramp queues, and would not conflict with applicable congestion management program, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.

(v) Air Traffic Patterns (Threshold c))

As described on page IV.P-58 of the Draft EIR, the Project would have no impact with respect to Threshold c).

(vi) Hazards / Access and Circulation

As described on pages IV.P-58 through IV.P-60 of the Draft EIR, the Project would result in a less-than-significant impact with respect to access and circulation, and would not substantially increase hazards due to a design feature or incompatible uses.

(vii) Emergency Access

As described on page IV.P-60 of the Draft EIR, emergency access impacts during construction would be less than significant.

As described on page IV.P-61 of the Draft EIR, emergency access impacts during operation would be less than significant.

(viii) Public Transit, Bicycle, or Pedestrian Facilities

As described on pages IV.P-61 through IV.P-63 of the Draft EIR, the Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities, and impacts would be less than significant.

(B) Cumulative Impacts

(i) Construction

As described on pages IV.P-63 through IV.P-64 of the Draft EIR, Project-related contributions to

cumulative construction traffic impacts would be less than cumulatively considerable.

(ii) Operation

As described on page IV.P-64 of the Draft EIR, as indicated in the discussion of Threshold a), under Future with Project Conditions, the Project would result in a potentially significant intersection capacity impacts at six study intersections (Intersection Nos. 1, 5, 10, 11, 12, and 17) during the AM and/or PM peak hours.

As described on page IV.P-64 of the Draft EIR, as detailed in the approved MOU provided in Appendix L-1 to the Draft EIR, the Project-related traffic increases on the freeway segments and off-ramps do not meet the screening criteria, and cumulative impacts would be less than significant.

As described on page IV.P-65 of the Draft EIR, cumulative impacts on public transit would be less than significant; the Project would not contribute to a significant cumulative impact with regard to access; and given that parking impacts are not considered significant under SB 743 and ZI File No. 2452, there would not be a cumulatively considerable impact from the Project and related projects regarding parking impacts.

(C) Project Design Features

PDF-TRAF-1: Construction Traffic Management Plan: Prior to the issuance of a building permit for the Project, a detailed Construction Management Plan including street closure information, a detour plan, haul routes, and a staging plan, will be prepared and submitted to the City for review and approval. The Construction Management Plan will formalize how construction would be carried out and identify specific actions that will be required to reduce effects on the surrounding community. The Construction Management Plan will be based on the nature and timing of the specific construction activities and other projects in the vicinity of the Project Site. Construction management meetings with City Staff and other surrounding construction related project representatives (i.e., construction contractors) whose projects will potentially be under construction at around the same time as the Project will be conducted bimonthly, or as otherwise determined appropriate by City Staff. This coordination will ensure construction activities of the concurrent related projects and associated hauling activities are managed in collaboration with one another and the Project. The Construction Management Plan will include, but not be limited to, the following elements as appropriate:

- Provide off-site truck staging in a legal area furnished by the construction truck contractor. Anticipated truck access to the Project Site will be off Broadway and 2nd Street.
- Schedule deliveries and pick-ups of construction materials during non-peak travel periods to the extent possible and coordinate to reduce the potential of trucks waiting to load or unload for protracted periods.
- As parking lane and/or sidewalk closures are anticipated, worksite traffic control plan(s), approved by the City of Los Angeles, will be implemented to route vehicular traffic, bicyclists, and pedestrians around any such closures.

- Provide for safety precautions for pedestrians and bicyclists through such measures as alternative routing and protection barriers, as required.
- Establish requirements for loading/unloading and storage of materials on the Project Site, where parking spaces would be encumbered, length of time traffic travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrian and access to local businesses and residences.
- Ensure that access will remain unobstructed for land uses in proximity to the Project Site during project construction.
- Coordinate with the City and emergency service providers to ensure adequate access is maintained to the Project Site and neighboring businesses and residences.
- Coordinate with affected transit providers (Metro, LADOT Dash, Montebello) to temporarily relocate bus stops as necessary.
- Participate in regular coordination meetings with Metro and LADOT regarding construction activities in the area, to address such issues as temporary lane closures and potential concurrent construction activities associated with the 2nd and Broadway Station of Metro's Regional Connector.

PDF-TRAF-2: Construction Worker Parking Plan: The Project Applicant will prepare a Construction Worker Parking Plan prior to commencement of construction to identify and enforce parking location requirements for construction workers. The Construction Worker Parking Plan will include, but not be limited to, the following elements as appropriate:

- During construction activities when construction worker parking cannot be accommodated on the Project Site, the Plan will identify alternate parking location(s) for construction workers and the method of transportation to and from the Project Site (if beyond walking distance) for approval by the City 30 days prior to commencement of construction.
- Provide all construction contractors with written information on where their workers and their subcontractors are permitted to park, and provide clear consequences to violators for failure to follow these regulations.

PDF-TRAF-3: The Applicant will coordinate with the Metro Bike Share program for a potential Bike Share station on the Project Site.

(D) Mitigation Measures

MM-TRAF-1: The Project Applicant shall implement a comprehensive Transportation Demand Management (TDM) Program to promote non-auto travel and reduce single-occupant vehicle trips. A draft of the TDM Program shall be prepared by a registered traffic engineer and submitted to LADOT for review prior to the issuance of the first building permit for the Project. The TDM Program must be approved by LADOT prior to the issuance of the first Certificate of Occupancy for the Project. The TDM Program should include, but would not be limited to, the following strategies:

- Promote Commute Trip Reduction (CTR) through information sharing and marketing for new employee orientations of trip reduction, event promotions, and publications;
- Provide unbundled parking that separates the cost of obtaining assigned parking spaces from the cost of purchasing or renting residential units;
- Provide a program to discount transit passes for residents/employees possibly through negotiated bulk purchasing of passes with transit providers;
- Facilitate a Car-Share Program by allowing a care share [sic] service within the project parking facilities. A care share [sic] program is a model of car rental where people rent cars for short periods of time, often by the hour.
- Facilitate rideshare programs with provision to include on-site transit and rideshare information center.
- Provide priority locations for carpools and vanpools within the parking garages;
- Accommodate flexible/alternative work schedules and telecommuting programs;
- Project design elements to ensure a bicycle, transit, and pedestrian friendly environment;
- Provide bicycle parking in conformance with Section 12.21 A.16 of the LAMC with safe and convenient access to bicycle facilities;
- A Covenant and Agreement to ensure that the TDM program will be maintained;
- Make a one-time financial contribution of \$100,000 to the City of Los Angeles Department of Transportation to be used in the implementation of the Mobility Hub in the general area of the Project;
- Make a one-time fixed-fee financial contribution of \$100,000 to the City's Bicycle Plan Trust Fund to implement bicycle improvements in the general Downtown Los Angeles area of the Project.

(E) Finding

Regarding construction-period traffic impacts, with the incorporation of PDF-TRAF-1, Construction Traffic Management Plan, and PDF-TRAF-2, Construction Worker Parking Plan, impacts would be less than significant. No mitigation is necessary or required.

Regarding intersection levels of service for the Existing with Project scenario, impacts at one intersection would be significant and unavoidable. The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible additional mitigation measures or Project alternatives identified in the EIR to reduce the Project's operational traffic impacts to signalized intersections under the Existing with Project scenario to be less than significant.

Regarding intersection levels of service for the Future with Project scenario, impacts at six

intersections would be significant and unavoidable. The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible additional mitigation measures or Project alternatives identified in the EIR to reduce the Project's operational traffic impacts to signalized intersections under the Existing with Project scenario to be less than significant.

All other impacts with regards to traffic and transportation would be less than significant. No mitigation measures are required.

(F) Rationale for Finding

The LOS analysis for the Existing with Project scenario determined that the Project would result in a significant intersection capacity impact during both the AM and PM peak hours at Intersection No. 11, S. Broadway & W. 2nd Street. The LOS analysis for the Future with Project scenario determined that the Project would result in significant intersection capacity impacts at the following six study area intersections:

1. S. Figueroa Street & W. 2nd Street (PM peak hour)
5. Hill Street & W. 1st Street (AM peak hour)
10. Broadway & W. 1st Street (both peak hours)
11. S. Broadway & W. 2nd Street (both peak hours)
12. S. Broadway & W. 3rd Street (AM peak hour)
17. S. Spring Street & W. 2nd Street (AM peak hour)

Physical mitigation measures were considered and analyzed, but cannot be implemented due to roadway width and on-street facility constraints. As such, LADOT deemed these potential mitigation measures infeasible. Further detail regarding mitigation measures considered for these six intersections, and the rationale behind the determination of infeasibility, is included on pages IV.P-68 through IV.P-69 of the Draft EIR, and in Appendices L-1 and L-2 to the Draft EIR. Furthermore, potential traffic volume reductions that would result from the implementation of the TDM Program (MM TRAF-1) were not applied to maintain a conservative analysis and, thus, impacts would remain significant. As such, significant and unavoidable intersection capacity impacts would remain at one intersection under the Existing with Project scenario and six intersections under the Future with Project Scenario.

(G) Reference

Section IV.P, *Transportation and Traffic*, of the Draft EIR, and the *Traffic Study* and LADOT impact analysis contained in Appendix L-1 and Appendix L-2 of the Draft EIR.

IX. ALTERNATIVES TO THE PROJECT

CEQA requires that an EIR evaluate a reasonable range of feasible alternatives that could substantially reduce or avoid the significant impacts of a project while also meeting the project's basic objectives. An EIR must identify ways to substantially reduce or avoid the significant effects that a project may have on the environment (PRC 21002.1). Accordingly, the discussion of alternatives shall focus on alternatives to a project or its location which are capable of avoiding or substantially reducing any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. In addition to the project, the Draft EIR evaluated a reasonable range of five alternatives to the

project focused on avoiding or substantially reducing the project's significant effects. These alternatives are: 1) No Project/No Build Alternative; 2) 20 Percent Reduced Density Alternative; 3) All Office and Residential Alternative; 4) Partial Preservation Alternative; and 5) Full Preservation Alternative. In accordance with CEQA requirements, the alternatives to the Project include a "No Project/No Build" alternative and alternatives capable of avoiding or substantially lessening the significant adverse impacts of the project. These alternatives and their impacts, which are summarized below, are more fully described in Section V of the Draft EIR.

1. Summary of Findings

Based upon the following analysis, the City finds, pursuant to Public Resources Code Section 21081, that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible the Project alternatives identified in the EIR.

Additionally, based upon the following analysis, the City finds, pursuant to CEQA Guidelines Section 15096(g)(2), that no feasible alternative or mitigation measure will substantially lessen any significant effect of the Project, reduce the significant and unavoidable impacts of the Project to a level that is less than significant, or avoid any significant effect the Project would have on the environment.

2. Project Objectives

An important consideration in the analysis of alternatives to the Project is the degree to which such alternatives would achieve the objectives of the Project. As more thoroughly described in Section II, Project Description, of the Draft EIR, the EIR establishes specific objectives concerning the Project, which are incorporated by reference herein and discussed further below.

3. Project Alternatives Analyzed

(A) Alternative 1 – No Project/No Build Alternative

The No Project/No Build Alternative assumes that no new development would occur within the Project Site. The Project Site would continue to house the Times, Plant, Mirror, and Executive Buildings, as well as the parking structure. However, whereas the existing offices are only 60 percent occupied (324,668 square feet), the No Project/No Build Alternative assumes that existing buildings would be fully occupied. Under the No Project/No Build Alternative, the proposed rehabilitation of Times, Mirror, and Plant Buildings would not occur. No new streetscape, sidewalk, or other improvements in public space, including the Paseo, would be constructed under the No Project/ No Build Alternative.

(i) Impact Summary

The No Project/No Build Alternative would avoid the Project's significant and unavoidable historical resources impacts associated with the demolition of the Executive Building and parking structure. The No Project/No Build Alternative would avoid the Project's significant and unavoidable impacts associated with violation of air quality standards. The No Project/No Build Alternative would also avoid the Project's significant and unavoidable impacts related to construction noise, including exceedance of established noise standards, groundborne vibration and noise, and substantial increase in temporary or periodic ambient noise levels. In addition,

the No Project/No Build Alternative would avoid the Project's significant and unavoidable traffic operation service level impact at one area intersection (Intersection No. 11) under the Existing with Project scenario and would reduce the Project's significant and unavoidable service level impacts from six area intersections (Intersections No. 1, 5, 10, 11, 12, and 17) under Future (2023) with Project scenario to two intersections (Intersections No. 10 and 11).

Impacts associated with the remaining environmental issues would be similar to or less than those of the Project, except for hydrology, stormwater drainage and water quality during operations and energy consumption, and water supply during construction, all of which would be greater.

(ii) Finding

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible the No Project/No Build Alternative (Alternative 1) described in the Draft EIR.

(iii) Rationale for Findings

Although Alternative 1 would generally reduce the Project's environmental impacts, and is environmentally superior to the Project, it would not entirely eliminate its significant and unavoidable impacts pertaining to operational traffic. Moreover, Alternative 1 would not meet the Project's underlying purpose or primary objectives.

Because the No Project/No Build Alternative would not result in any new development at the Project Site, it would not meet the underlying purpose and primary objective of the Project to develop the Project Site with a transit-oriented development that includes residential uses, Project- and community-serving commercial uses, and publicly accessible and private open space and amenities. In addition, the No Project/No Build Alternative would not meet any of the Project Objectives described in the Project Description.

(iv) Reference

Section V, *Alternatives*, of the Draft EIR.

(B) Alternative 2 – 20 Percent Reduced Density Alternative

The 20 Percent Reduced Density Alternative (Alternative 2), would provide for the rehabilitation of Times, Mirror, and Plant Buildings as under the Project. Whereas the existing offices are only 60 percent occupied, Alternative 2 assumes that existing buildings that would remain would be fully occupied. As with the Project, Alternative 2 would require the demolition of the existing Executive Building and the 6-level Parking Structure. New development would be designed in the same configuration and location as the proposed North and South Towers and podium structure. However, density and overall floor area for the restaurant and grocery store uses, as well as the number of residential units, would be reduced by 20 percent.

The North Tower would be reduced from 37 stories to 30 stories and the South Tower would be reduced from 53 stories to 42 stories. Residential units would be reduced from 1,127 units under the Project to 902 units under Alternative 2. Restaurant floor area located within the new mixed-

use development would also be reduced by 20 percent from 34,572 square feet under the Project to 27,658 square feet under Alternative 2. The grocery store floor area would also be decreased by 20 percent. However, the office and proposed restaurant floor area that are part of the Times and Mirror Buildings would be the same as under the Project. Total new construction would be reduced by approximately 227,161 square feet from 1,135,803 square feet under the Project to 908,642 square feet under Alternative 2. The public Paseo would also be the same in floor area as under the Project.

(i) Impact Summary

The Reduced Density Alternative (Alternative 2) would require the demolition of the Executive Building and parking structure and, as such, would result in similar significant and unavoidable historical resources impacts as under the Project. Because of an incrementally shorter construction phase, Alternative 2 would reduce but not avoid the Project's significant and unavoidable impacts associated with the violation of an air quality standard during construction and with the significant and unavoidable cumulative considerable increase of a criteria pollutant (NOx) in a nonattainment area. As with the Project, Alternative 2 would result in significant and unavoidable impacts related to construction noise, including exceedance of established noise standards, groundborne vibration and noise, and substantial increase in temporary or periodic ambient noise levels. However, because of the reduced scale of development, the duration of construction-related impacts would be less than under the Project. Alternative 2 would also result in significant and unavoidable service level impacts at the same intersections as under the Project (Intersection No. 11) under the Existing with Project scenario and intersections (Intersections No. 1, 5, 10, 11, 12, and 17) under Future (2023) with Project scenario. Although transportation and traffic impacts would continue to be significant and unavoidable, Alternative 2 would incrementally reduce daily and peak hour trips compared to the Project and would reduce the Intersection 11 impacts under existing conditions from both AM/PM peak hours to only one peak hour.

Overall, because of reduced building size, occupancy, and vehicle trips, Alternative 2 would incrementally reduce or be similar to the Project's less than significant impacts related to views, scenic resources, visual character and quality, shade/shadow, operational air emissions, archeological resources, paleontological resources, geology and soils, GHGs, hazards and hazardous materials, hydrology and water quality, land use and planning, population, housing and employment, public services, transportation/traffic, tribal cultural resources, public utilities, and energy.

(ii) Finding

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible Alternative 2 described in the Draft EIR.

(iii) Rationale for Finding

Although Alternative 2 would reduce certain of the Project's impacts, it would not eliminate its significant and unavoidable impacts pertaining to historical resources, air quality, construction noise, construction vibration, and operational traffic. Moreover, Alternative 2 would not meet several of the Project objectives.

Alternative 2 would meet the Project's underlying purpose and primary objective to develop the Project Site with a transit-oriented development that includes residential uses, Project- and community-serving commercial uses, and publicly accessible and private open space and amenities.

Alternative 2 would meet the Project Objective to create publicly accessible pedestrian connections through the Project Site with views toward visual resources such as the proposed First and Broadway Civic Center Park to enhance circulation and promote walkability.

Alternative 2 would meet the Project Objectives to develop architecturally distinct new buildings that contribute to the visual character of Downtown's high-rise skyline and provide for a mix of commercial and residential uses to promote pedestrian activity, reduce vehicle trips and vehicle miles traveled, and enliven the Downtown area with 24/7 activity.

Alternative 2 would meet the Project Objective to activate the Broadway Street frontage by providing active street-oriented uses, such as retail or restaurants, and a landscaping and streetscape program that further enhances the pedestrian experience.

Alternative 2 would meet the Project Objective to provide a full-service grocery store to serve existing and new residents and visitors in the Downtown and further activate pedestrian activity in an area that is underserved by full-service grocery stores.

Alternative 2 would also meet the Project Objective related to rehabilitating and modernizing the Times, Mirror, and Plant Buildings to distinguish the character of the Downtown and attract visitor interest, and to reduce vacant office space.

However, because of the 20 percent reduction in building heights, residential density, and grocery store and restaurant floor areas, Alternative 2 would not meet the following objectives to the same extent as the Project:

- Maximize high-density residential uses in proximity to public transit, including Metro's Red Line and Purple Line Station in Grand Park, and Metro's Regional Connector Station at W. 2nd Street and Broadway.
- Maximize and increase high-density residential uses in Downtown Los Angeles within walking distance of jobs-rich centers, such as the Financial District and Civic Center, and a short transit ride to popular destinations such as Little Tokyo, the Arts District, Union Station, Olvera Street, Chinatown, the Downtown Markets, and the Los Angeles Convention Center, and Downtown amenities, such as Grand Park and the Los Angeles Music Center.
- Furthermore, as discussed above, Alternative 2 would not eliminate the Project's significant and unavoidable impacts pertaining to historical resources, air quality, construction noise, construction vibration, and operational traffic.

(iv) Reference

Section V, *Alternatives*, of the Draft EIR.

(C) Alternative 3 – All Office and Residential Alternative

The All Office and Residential Alternative (Alternative 3) would change the Project's mix of uses. As with the Project, Alternative 3 would rehabilitate and activate the historic Times, Mirror, and Plant Buildings. However, it would eliminate the use of the rehabilitated buildings for restaurant or grocery store uses. The Times, Mirror, and Plant Buildings would be used exclusively as offices. Alternative 3 would continue to provide 1,127 residential units in respective 37-and 53-story towers. Therefore, the total office floor area would be 410,677 square feet. Alternative 3 would have the same building configuration, height, setbacks, landscaping, street trees, garden level (6th floor) open space, and other amenities of the Project. As with the Project, Alternative 3 would include a landscaped, open-to-the-sky Paseo. Driveway access would be the same as under the Project. Parking would be 1,660 spaces.

(i) Impact Summary

The All Office and Residential Alternative (Alternative 3) would require the demolition of the Executive Building and parking structure and, as such, would result in similar significant and unavoidable historical resources impacts as under the Project. Because of a slightly shorter construction phase, Alternative 3 would minimally reduce but not avoid the Project's significant and unavoidable impacts associated with the violation of an air quality standard during construction and a significant and unavoidable cumulatively considerable increase of a criteria pollutant (NOx) in a nonattainment area. As with the Project, Alternative 3 would result in significant and unavoidable impacts related to construction noise, including exceedance of established noise standards, groundborne vibration and noise, and substantial increase in temporary or periodic ambient noise levels. However, because of the slightly reduced scale of construction, the duration of construction-related impacts would be slightly less than under the Project. Alternative 3 would reduce the Project's daily traffic but would increase peak hour traffic; as with the Project, service level impacts would be significant and unavoidable. Impacts would occur at the same intersections as under the Project (Intersection No. 11) under the Existing with Project scenario and intersections (Intersections No. 1, 5, 10, 11, 12, and 17) under Future (2023) with Project scenario.

Other impacts under Alternative 3 would be similar as the Project regarding scenic resources, visual character and quality, building heights, views, and shade/shadow. However, because of the increased office occupancy and reduced restaurant and grocery store floor area, Alternative 3 would reduce the Project's vehicle trips and, thus, incrementally reduce the Project's less than significant operation emissions, mobile GHGs, and energy impacts.

(ii) Finding

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible Alternative 3 described in the Draft EIR.

(iii) Rationale for Findings

Although Alternative 3 would incrementally reduce certain of the Project's impacts, it would not eliminate its significant and unavoidable impacts pertaining to historical resources, air quality, construction noise, construction vibration, and operational traffic. Moreover, Alternative 3 would not meet several of the Project objectives.

Alternative 3 would not meet the Project's underlying purpose and primary objective to develop the Project Site with a transit-oriented development that includes residential uses, Project- and community-serving commercial uses and publicly accessible and private open space and amenities to the same extent as the Project because it would not include restaurants or a grocery store.

Alternative 3 would meet the Project Objective to publicly accessible pedestrian connections through the Project Site with views toward visual resources such as the proposed First and Broadway Civic Center Park to enhance circulation and promote walkability.

Alternative 3 would also meet the Project Objective to rehabilitate and modernize the Times, Mirror, and Plant Buildings to distinguish the character of the Downtown and attract visitor interest, and to reduce vacant office space.

Alternative 3 would also meet the following Objectives:

- Develop architecturally distinct new buildings that contribute to the visual character of Downtown's high-rise skyline.
- Provide for a mix of commercial office and residential uses to promote pedestrian activity, reduce vehicle trips and vehicle miles traveled, and enliven the Downtown area with 24/7 activity; however, this objective would not be as fully met as by the Project.
- Maximize high-density residential uses in proximity to public transit, including Metro's Red Line and Purple Line Station in Grand Park, and Metro's Regional Connector Station at W. 2nd Street and Broadway.
- Maximize and increase high-density residential uses in Downtown Los Angeles within walking distance of jobs-rich centers, such as the Financial District and Civic Center, and a short transit ride to popular destinations such as Little Tokyo, the Arts District, Union Station, Olvera Street, Chinatown, the Downtown Markets, and the Los Angeles Convention Center, and Downtown amenities, such as Grand Park and the Los Angeles Music Center.

However, Alternative 3 would not meet the following objectives:

- Provide a full-service grocery store to serve existing and new residents and visitors in the Downtown and further activate pedestrian activity in an area that is underserved by full-service grocery stores.
- Activate the Broadway Street frontage by providing active street-oriented uses, such as retail or restaurants, and a landscaping and streetscape program that further enhances the pedestrian experience.
- Furthermore, Alternative 3 would not eliminate the Project's significant and unavoidable impacts pertaining to historical resources, air quality, construction noise, construction vibration, and operational traffic.

Section V, *Alternatives*, of the Draft EIR.

(D) Alternative 4 – Partial Preservation Alternative

The Partial Preservation Alternative (Alternative 4), would provide for the rehabilitation of Times, Mirror, and Plant Buildings as under the Project. In addition, the Executive Building would be retained and rehabilitated. However, the parking structure would be demolished and only the South Tower, as under the proposed Project would be constructed in place. Whereas the existing offices are currently only 60 percent occupied, Alternative 4 assumes that these buildings would be fully occupied. The Times, Mirror, and Plant Buildings would be the same uses as under the Project. The Executive Building would be used for offices. New development would be restricted to the site of the existing parking structure and would include development of a 53-story South Tower and podium structure, similar to the proposed Project. Alternative 4 would develop 677 residential units, and restaurant floor area located within the new mixed-use development would also be reduced to 17,283 square feet. The office, grocery, and proposed restaurant floor area that are part of the Times and Plant Buildings would be the same as under the Project. The public Paseo would be removed as part of the project and the west facing elevation of the Times North Building would also no longer be restored. Required parking would be 1,256 spaces.

(i) Impact Summary

The Partial Preservation Alternative (Alternative 4) would preserve the Executive Building, but require the demolition of the parking structure. As under the Project, Alternative 4 would result in significant and unavoidable historical resources impacts. Because of an incrementally shorter construction phase, Alternative 4 would reduce but not avoid the Project's significant and unavoidable impacts associated with the violation of an air quality standard during construction and significant and unavoidable cumulative considerable increase of a criteria pollutant (NOx) in a nonattainment area. As with the Project, Alternative 4 would result in significant and unavoidable impacts related to construction noise, including exceedance of established noise standards, groundborne vibration and noise, and substantial increase in temporary or periodic ambient noise levels. However, because of the reduced scale of development, the duration of construction-related impacts would be less than under the Project. Alternative 4 would reduce the Project's daily traffic; however, it would increase peak hour traffic. As with the Project, service level impacts would be significant and unavoidable. Operation Impacts would occur at the same intersections as under the Project under the Existing with Project scenario and under Future (2023) with Project scenario. Under the 2023 scenario, Alternative 4 would reduce the Project's significant impact at Intersection No. 5 to a less-than-significant level.

Because of the elimination of one tower and 40 percent reduction in residential uses, Alternative 4 would incrementally reduce or be similar to the Project's less than significant impacts related to views, scenic resources, visual character and quality, shade/shadow, archeological resources, paleontological resources, geology and soils, GHGs, hazards and hazardous materials, hydrology and water quality, land use and planning, population, housing and employment, public services, transportation/traffic, tribal cultural resources, public utilities, and energy.

(ii) Finding

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible Alternative 4 described in the Draft EIR.

(iii) Rationale for Findings

Although Alternative 4 would incrementally reduce certain of the Project's impacts, it would not eliminate its significant and unavoidable impacts pertaining to historical resources, air quality, construction noise, construction vibration, and operational traffic. Moreover, Alternative 4 would not meet several of the Project objectives.

Alternative 4 would meet the Project's underlying purpose and primary objective to develop the Project Site with a transit-oriented development that includes residential uses, Project- and community-serving commercial uses, and private open space and amenities. However, it would not fully meet the Objective's intent to provide publicly accessible open space and amenities to the same extent as the Project due to the removal of the pedestrian paseo.

Alternative 4 would fully meet the Project Objective to rehabilitate and modernize the Times, Mirror, and Plant Buildings to distinguish the character of the Downtown and attract visitor interest and to reduce vacant office space.

Additionally, Alternative 4 would meet the Project Objectives to provide for a mix of commercial and residential uses to promote pedestrian activity, reduce vehicle trips and vehicle miles traveled, and enliven the Downtown area with 24/7 activity, and to provide a full-service grocery store to serve existing and new residents and visitors in the Downtown and further activate pedestrian activity in an area that is underserved by full-service grocery stores.

Alternative 4 would not meet the Project Objective to create publicly accessible pedestrian connections through the Project Site with views toward visual resources such as the proposed First and Broadway Civic Center Park to enhance circulation and promote walkability.

In addition, with the elimination of one tower and 40 percent reduction in residential uses, and reduction in ground-level restaurant and grocery store floor area and elimination of the Paseo, Alternative 4 would not meet the following Project Objectives to the same extent as the Project:

- Develop architecturally distinct new buildings that contribute to the visual character of Downtown's high-rise skyline.
- Maximize high-density residential uses in proximity to public transit, including Metro's Red Line and Purple Line Station in Grand Park, and Metro's Regional Connector Station at W. 2nd Street and Broadway.
- Maximize and increase high-density residential uses in Downtown Los Angeles within walking distance of jobs-rich centers, such as the Financial District and Civic Center, and a short transit ride to popular destinations such as Little Tokyo, the Arts District, Union Station, Olvera Street, Chinatown, the Downtown Markets, and the Los Angeles Convention Center, and Downtown amenities, such as Grand Park and the Los Angeles Music Center.
- Activate the Broadway Street frontage by providing active street-oriented uses, such as retail or restaurants, and a landscaping and streetscape program that further enhances the pedestrian experience.

- Furthermore, Alternative 4 would not eliminate the Project's significant and unavoidable impacts pertaining to historical resources, air quality, construction noise, construction vibration, and operational traffic.

(iv) Reference

Section V, *Alternatives*, of the Draft EIR.

(E) Alternative 5 – Full Preservation Alternative

The Full Preservation Alternative (Alternative 5) would retain and rehabilitate all the buildings on the Project Site to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. The Times, Mirror, and Plant Buildings would be developed with office uses, a grocery store, and restaurant uses, and the Executive Building would retain its office and bank uses. The office floor area would increase to 499,863 square feet, the proposed restaurant floor area would decrease to 10,000 square feet, and the proposed grocery store would remain the same (50,000 square feet) as the proposed Project. The North and South Towers and public Paseo would be removed under Alternative 5.

(i) Impact Summary

The Full Preservation Alternative (Alternative 5) would not require the demolition of the Executive Building and parking structure and, as such, it would avoid the Project's significant and unavoidable impacts to historical resources. Because of a reduced construction phase and scale of construction, Alternative 5 would avoid the Project's significant and unavoidable impacts associated with the violation of an air quality standard during construction and the Project's significant and unavoidable cumulative considerable increase of a criteria pollutant (NOx) in a nonattainment area.

Alternative 5 would also avoid the Project's significant and unavoidable impacts related to construction noise, including exceedance of established noise standards, groundborne vibration and noise, and substantial increase in temporary or periodic ambient noise levels. Although Alternative 5 would not avoid the Project's significant and unavoidable operation service level impacts at one area intersection (Intersection No. 11) under the Existing with Project scenario, it would reduce this impact from both peak periods to one peak period. In addition, Alternative 5 would reduce the Project's significant and unavoidable impacts from six area intersections (Intersections No. 1, 5, 10, 11, 12, and 17) under Future (2023) with Project scenario to two intersections (Intersections No. 10 and 11).

Alternative 5 would reduce or be similar to the Project's less than significant impacts related to building heights, views, scenic resources, visual character and quality, shade/shadow, archeological resources, paleontological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, population, housing and employment, public services, transportation/traffic, tribal cultural resources, public utilities, and energy impacts. Also, because of the increased office occupancy and reduced residential uses, Alternative 5 would reduce the Project's vehicle trips and, thus, incrementally reduce the Project's less than significant operation emissions, GHGs, and energy impacts.

(ii) Finding

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible Alternative 5 described in the Draft EIR.

(iii) Rationale for Findings

Although Alternative 5 would incrementally reduce certain of the Project's impacts, and would eliminate the Project's significant and unavoidable impacts pertaining to historical resources, air quality, construction noise, and construction vibration, it would not eliminate its significant and unavoidable impacts pertaining to operational traffic. Moreover, Alternative 5 would not meet several of the Project objectives.

Because it would not include any residential uses or the Paseo, Alternative 5 would not meet the Project's underlying purpose and primary objective to develop the Project Site with a transit-oriented development that includes residential uses, community-serving commercial uses, and publicly accessible and private open space and amenities.

Alternative 5 would be consistent with the Project Objective to rehabilitate and modernize the Times, Mirror, and Plant Buildings distinguish the character of the Downtown and attract visitor interest, and to reduce vacant office space through the rehabilitation of existing offices and creation of employee amenities to generate jobs. However, as it would not restore the west wall of the Times, Plant, and Mirror Buildings Alternative 5 would not meet this Objective to the same extent as under the Project.

In addition, Alternative 5 would be consistent with the Project Objective to provide a full-service grocery store to serve existing and new residents and visitors in the Downtown and further activate pedestrian activity in an area that is underserved by full-service grocery stores.

In the absence of the Paseo, retail, and restaurant uses, Alternative 5 would not meet the Project Objective to activate the Broadway Street frontage by providing active street-oriented uses, such as retail or restaurants, and a landscaping and streetscape program that further enhances the pedestrian experience to the same extent as under the Project.

Alternative 5 would not meet the following Objectives:

- Develop architecturally distinct new buildings that contribute to the visual character of Downtown's high-rise skyline.
- Create publicly accessible pedestrian connections through the Project Site with views toward visual resources such as the proposed First and Broadway Civic Center Park to enhance circulation and promote walkability.
- Provide for a mix of commercial and residential uses to promote pedestrian activity, reduce vehicle trips and vehicle miles traveled, and enliven the Downtown area with 24/7 activity.
- Maximize high-density residential uses in proximity to public transit, including Metro's Red Line and Purple Line Station in Grand Park, and Metro's Regional Connector Station at W. 2nd Street and Broadway.

- Maximize and increase high-density residential uses in Downtown Los Angeles within walking distance of jobs-rich centers, such as the Financial District and Civic Center, and a short transit ride to popular destinations such as Little Tokyo, the Arts District, Union Station, Olvera Street, Chinatown, the Downtown Markets, and the Los Angeles Convention Center, and Downtown amenities, such as Grand Park and the Los Angeles Music Center.
- Activate the Broadway Street frontage by providing active street-oriented uses, such as retail or restaurants, and a landscaping and streetscape program that further enhances the pedestrian experience.
- Furthermore, Alternative 5 would not eliminate the Project's significant and unavoidable impacts pertaining to operational traffic.

(iv) Reference

Section V, *Alternatives*, of the Draft EIR.

4. Project Alternatives Considered and Rejected

As set forth in CEQA Guidelines Section 15126.6(c), an EIR should identify any alternatives that were considered for analysis but rejected as infeasible and briefly explain the reasons for their rejection. According to the CEQA Guidelines, among the factors that may be used to eliminate an alternative from detailed consideration are the alternative's failure to meet most of the basic project objectives, the alternative's infeasibility, or the alternative's inability to avoid significant environmental impacts. Alternatives to the Project that were considered and rejected as infeasible include the following:

(A) Off-Site Location Alternative

The Project Site is located within a city block that incorporates the historic Los Angeles Times, Plant, and Mirror Buildings. An objective of the Project is to transform this unique block through the rehabilitation of the Times, Mirror, and Plant buildings to their original appearances, and through the development within the block of distinct high-rise buildings and an open-to-the-sky public Paseo that has direct views to Grand Park and the future Civic Park. The Off-Site Location Alternative would not meet a primary objective of the Project to rehabilitate and modernize the Times, Mirror, and Plant Buildings to distinguish the character of the Downtown and attract visitor interest, or to reduce vacant office space through the rehabilitation of existing offices and creation of employee amenities to generate jobs. The rehabilitation of the Times, Mirror, and Plant Buildings is intrinsic to the purpose of the Project and could not be achieved in another location. In addition, the development of the same residential towers, mix of uses, and Paseo in another location would further defeat the purpose of the Project to enhance the Times, Mirror, and Plant Buildings. In addition, the applicant does not have ownership or control of a similar site or, with the current investment in the Times-Mirror property, the flexibility to develop a similar project on the same scale in another location within similar proximity to multiple Downtown transit lines and jobs, and that would meet the primary objectives of the Project. For these reasons, the Off-Site Location Alternative is not considered a feasible alternative to the Project and is rejected from further analysis.

(B) Reduced Intensity Alternative – 50 Percent Reduction

A Reduced Intensity Alternative, in which residential units and commercial space would be reduced by 50 percent, was also considered and rejected. This Alternative would not achieve the Project Objective to maximize high-density residential uses in Downtown Los Angeles within walking distance of jobs-rich centers. The intent of the Central City Community Plan is to expand the Downtown residential community as a major component of Downtown's revitalization. Under the Transfer of Floor Area Rights (TFAR) process set forth in the Community Plan and the LAMC, the Project Site is located within the Central City TFAR area, and as such, the opportunity exists at the Project Site to maximize residential density. Because of the proximity of the Project Site to multiple fixed rail transit lines and employment centers, the Project Site is ideal for maximum development. The 50 Percent Reduction Alternative would substantially reduce the proposed residential density and, as such, would not maximize the high-density use of the Project Site. In addition, because the 50 Percent Reduction Alternative would still require the demolition of the Executive Building and the parking structure, it would not reduce the Project's impacts related to historic resources. For these reasons, the 50 Percent Reduction Alternative is not considered a feasible alternative to the Project.

5. Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a project shall identify an Environmentally Superior Alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should it be determined that the No Project Alternative is the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining alternatives. Pursuant to Section 15126.6(c) of the CEQA Guidelines, the analysis below addresses the ability of the alternatives to "avoid or substantially lessen one or more of the significant effects" of the Project.

Of the alternatives analyzed in the Draft EIR, Alternative 1, the No Project/No Build Alternative, would be considered the environmentally superior alternative, because it would avoid the Project's significant and unavoidable impacts to historical resources, construction noise and vibration, and construction emissions, and reduce, but not avoid, the significant and unavoidable operational traffic intersection impacts. However, no new development would occur and the No Project/No Build Alternative would not meet any of the Project Objectives. Therefore, the identification of another environmentally superior alternative is required.

Overall, Alternative 5, the Full Preservation Alternative, would reduce physical environmental impacts associated with the Project to a greater degree than Alternatives 2, 3, and 4. Therefore, Alternative 5 would be considered the Environmentally Superior Alternative. As discussed above, Alternative 5 would eliminate the Project's significant and unavoidable impacts pertaining to historical resources, air quality, construction noise, and construction vibration; however, Alternative 5 would not eliminate the Project's significant and unavoidable impacts pertaining to operational traffic. Moreover, Alternative 5 would not meet the Project's underlying purpose and primary objective and would not meet the Project Objectives to the same extent as the Project.

X. OTHER CEQA CONSIDERATIONS

(A) Growth Inducing Impacts

Section 15126.2(d) of the State *CEQA Guidelines* requires an EIR to discuss the ways a proposed project could foster economic or population growth or the construction of additional housing, directly or indirectly, in the surrounding environment. Growth-inducing impacts include the removal of obstacles to population growth (e.g., the expansion of a wastewater treatment plant

allowing more development in a service area) and the development and construction of new service facilities that could significantly affect the environment individually or cumulatively. In addition, pursuant to CEQA, growth must not be assumed as beneficial, detrimental, or of little significance to the environment.

(i) Direct Growth (Housing and Economic Growth)

The Project would replace the existing Executive Building and parking structure with the North and South Towers, which would include up to 1,127 residential units, 34,572 square feet of ground-level restaurant uses, and would increase residential population in the area. Under the Project, the Times, Plant, and Mirror Buildings would be adaptively reused and would include up to 307,288 square feet of commercial office uses,¹¹ up to 18,817 square feet of commercial restaurant uses, and a 50,000 square-foot grocery store, all of which would also generate new employment in the area. The Project Site is currently developed with office uses, a bank, and a cafeteria. Development of the Project would add residents and would create new employment at the Project Site.

The mixed-use Project would provide new housing and employment within the Central City Community Plan Area and within a HQTa. The Project would provide housing for 2,739 new residents and would generate approximately 186 net new employees on the Project Site. The Project itself would contribute to bringing the jobs/housing ratio closer to the balance by providing more housing units than employees onto the Project Site, which would support the attainment of SCAG policies by providing increased population density within a HQTa. A maximum of 792 construction workers would be on-site at one time during the most intensive overlapped construction phases. Construction jobs are anticipated to be filled by residents in the local area, or by commuters within the larger Los Angeles Metropolitan Area. The Project would include a mix of uses that would be compatible with adjacent uses and representative of the type of high-density and mixed-use development anticipated in the City of Los Angeles. As discussed in detail and concluded in Section IV.J, *Population and Housing*, of the Draft EIR, the Project's new development is consistent with the established SCAG regional forecast for the City of Los Angeles, and contributes to an infill growth pattern that is encouraged locally in the City by the General Plan Framework and the Central City Community Plan. Accordingly, the Project would not induce unanticipated direct growth.

(ii) Indirect Growth (Utility and Infrastructure Growth)

The Project Site is located in an urbanized area that is served by current infrastructure (e.g., roads and utilities), and community service facilities. The Project would not have indirect effects on growth through such mechanisms as the extension of roads and infrastructure, since the infill Project would link with and tie into existing infrastructure in the Project area. New infrastructure that would be required, such as service connections to local water and sewer network and electricity and natural gas utilities for the North and South Towers, would be sized to serve only the Project's needs. Thus, other than connections between the Project Site and existing nearby infrastructure, no new infrastructure would be added in the area. No new roadways would be

¹¹ This office square footage accounts for the existing office uses (213,856 sf) that would continue to exist after the rehabilitation of the Times, Plant, and Mirror Buildings. The Project also proposes 93,432 sf of new office development for the Project Site. After implementation of the Project, a total of 307,288 square feet of office space would be available on the Project Site.

created as part of the Project. The Project would not open any new areas not already served by infrastructure.

Therefore, the Project would not spur additional growth other than that already anticipated and would not eliminate impediments to growth. Consequently, the Project would not foster indirect growth-inducing impacts.

(B) Significant Irreversible Environmental Changes

According to Sections 15126(c) and 15126.2(c) of the State *CEQA Guidelines*, an EIR is required to address any significant irreversible environmental changes that would occur should a proposed project be implemented. As stated in *CEQA Guidelines* Section 15126.2(c) indicates:

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter likely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the Project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

The Project would consume a limited amount of slowly renewable and non-renewable resources. This consumption would occur during the construction phase of the Project and would continue throughout its operational lifetime. Project development would require a commitment of resources that would include: (1) building materials, (2) water, and (3) energy resources, including those associated with the transportation of goods and people to and from the Project Site. Project construction would require the consumption of resources that are non-replenishable or may renew so slowly as to be considered non-renewable. These resources would include the following construction supplies: certain types of lumber and other forest products; aggregate materials used in concrete and asphalt such as sand, gravel and stone; metals such as steel, copper, and lead; petrochemical construction materials such as plastics; and water. Furthermore, nonrenewable fossil fuels such as gasoline and oil would also be consumed in the use of construction vehicles and equipment, as well as the transportation of goods and people to and from the Project Site.

Project operation would continue to expend nonrenewable resources that are currently consumed within the City. These include energy resources such as electricity and natural gas, petroleum-based fuels required for vehicle-trips, fossil fuels, and water. Fossil fuels would represent the primary energy source associated with both construction and ongoing operation of the Project, and the existing, finite supplies of these natural resources would be incrementally reduced.

At the same time, the Project would contribute to a land use pattern that would reduce reliance on private automobiles and vehicle miles traveled (VMT), and, therefore reduce the consumption of non-renewable resources when considered in a larger context. Most notably, the Project would represent an urban infill development that would provide residential and commercial uses in the Downtown Los Angeles area in close proximity to existing off-site commercial, residential, and retail destinations and existing public transit stops. The Project Site is located within a Transportation Priority Area, which is identified as an area within one-half mile of a major transit stop. The Project Site is also located within a High Quality Transit Area (HQTa), an area identified as preferred for high-density development to reduce VMT and related consumption of renewable resources, among other goals. Given its location, the Project would support pedestrian access to

a considerable range of entertainment, employment, and commercial activities. The Project also provides nearby access to the regional transportation system as the Project Site is located within 750 feet of Metro's Los Angeles Civic Center/Grand Park Station and directly across W. 2nd Street from Metro's 2nd Street and Broadway Station (currently under construction). These factors would contribute to a land use pattern that is considered to reduce the consumption of non-renewable resources.

Furthermore, the Project would comply with the 2016 Los Angeles Green Building Code, which would reduce GHG emissions through compliance with energy-efficiency requirements, such as reducing indoor and outdoor water demand, installing energy-efficient appliances and equipment, and complying with 2016 California Title 24 Building Energy Efficiency Standards, as amended by the City. The Project would also meet the mandatory measures of the CALGreen Code as amended by the City by incorporating strategies such as high efficiency toilets, low-flow faucets, low-flow showers, and other energy and resource conservation measures. The heating, ventilation, and air conditioning (HVAC) system would be sized and designed in compliance with the CALGreen Code to maximize energy efficiency. The Project would achieve several objectives of the City of Los Angeles General Plan Framework Element, SCAG's 2016 RTP/SCS, and South Coast Air Quality Management District (SCAQMD) Air Quality Management Plan (AQMP) for establishing a regional land use pattern that promotes sustainability.

The Project's continued use of non-renewable resources would be on a relatively small scale and consistent with regional and local growth forecasts in the area, as well as State and local goals for reductions in the consumption of such resources. The Project Site contains no energy resources that would be precluded from future use through Project implementation. Thus, the Project's irreversible changes to the environment related to the consumption of nonrenewable resources would not be significant, and the limited use of nonrenewable resources is justified.

XI. STATEMENT OF OVERRIDING CONSIDERATIONS

The EIR identified the following unavoidable significant impacts: 1) Air Quality – Project-level impacts with regards to regional construction emissions; 2) Cultural Resources – Project-level impacts with regards to historic resources; 3) Noise – Project-level and cumulative on-site and off-site construction noise impacts and Project-level and cumulative off-site construction vibration impacts; and 4) Traffic and Transportation – Project-level and cumulative operational level of service impacts.

Section 21081 of the California Public Resources Code and Section 15093(b) of the CEQA Guidelines provide that when the decisions of the public agency allow the occurrence of significant impacts identified in the EIR that are not substantially lessened or avoided, the lead agency must state in writing the reasons to support its action based on the Final EIR and/or other information in the record. The State CEQA Guidelines require, pursuant to CEQA Guidelines Section 15093(b), that the decision-maker adopt a Statement of Overriding Considerations at the time of approval of a Project if it finds that significant adverse environmental effects identified in the EIR cannot be substantially mitigated to a less than significant level or be eliminated. These findings and the Statement of Overriding Considerations are based on substantial evidence in the record, including but not limited to the EIR, the source references in the EIR, and other documents and material that constitute the record of proceedings.

Accordingly, based on the analysis provided in the EIR, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts will result from implementation of the Project. Having (i) adopted all feasible mitigation measures, (ii)

rejected as infeasible alternatives to the project, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the Project against the Project's significant and unavoidable impacts, the City hereby finds that each of the Project's benefits, as listed below, outweighs and overrides the significant unavoidable impacts of the Project.

The below stated reasons summarize the benefits, goals and objectives of the Project, and provide the detailed rationale for the benefits of the Project. These overriding considerations of economic, social, aesthetic, and environmental benefits for the Project justify adoption of the Project and certification of the completed EIR. Each of the listed project benefits set forth in this Statement of Overriding Considerations provides a separate and independent ground for the City's decision to approve the project despite the project's identified significant and unavoidable environmental impacts. Each of the following overriding consideration separately and independently (i) outweighs the adverse environmental impacts of the Project, and (ii) justifies adoption of the Project and certification of the completed EIR. In particular, achieving the underlying purpose for the Project would be sufficient to override the significant environmental impacts of the Project.

- The Project will develop up to 1,127 needed new residential units that will directly meet existing housing demand in Downtown and the City as a whole and help address the current Citywide housing shortage.
- The Project would locate high-density residential development at an urban infill location that is in close proximity to jobs-rich centers, and add jobs in close proximity to housing. Both the Project residents and employees would be located within walking distance to public transit, retail and restaurants, and entertainment venues. The Project would thereby contribute to a land use pattern that would reduce reliance on private automobiles and vehicle miles traveled (VMT) and associated traffic congestion and pollutant and GHG emissions.
- Under the Project, the Times Building, Plant Building, and Mirror Building would be preserved and rehabilitated in conformance with the Secretary of the Interior's Standards for Rehabilitation (Standards). After the Executive Building and parking structure are removed, the lower floors of the western facades of the Times, Plant, and Mirror Buildings would be compatible with the historic character of the three existing buildings, but distinguishable as new. The Project will therefore benefit the community and the City by preserving and rehabilitating a significant historical landmark in Downtown Los Angeles.
- The rehabilitation and modernization of the Times, Plant, and Mirror Buildings would serve to reduce vacant office space Downtown and create employee amenities (including rehabilitated lobbies in the Times and Mirror Buildings and new conference/presentation areas and eating/break areas in the Plant Building), which would serve to generate jobs.
- The Project will develop an open-to-the-sky Paseo with landscaping, benches, and pavement treatment that is lined with an outdoor café, food court, and retail uses. The Paseo, with clearly defined landscaped entrances at 1st and 2nd Streets, would promote walkability by providing an activated pedestrian corridor connecting the Project Site with adjacent areas.
- The Project would also enhance the pedestrian experience and promote walkability by providing a full retail and service base at street level along all four edges of the Podium, including 1st Street, Broadway, 2nd Street, and the Paseo. The design includes pedestrian-

friendly features, such as articulated retail facades, the use of cantilevered canopies to define retail entries, and landscaping that buffers the scale and height of the new building.

- The Project would include 53,389 square feet of restaurant uses that will further promote pedestrian activity and enliven the Downtown area with 24/7 activity.
- The Project would provide an approximately 50,000 square-foot grocery store within walking distance for existing and future residents, employees, and visitors, to further activate pedestrian activity at the Project Site and reduce vehicle trips.
- The new development associated with the Project will promote the City's sustainability goals by achieving the equivalent of the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) Silver Certification level.
- The Project will generate 186 net new long-term jobs onsite and a peak of 792 construction jobs.
- The Project will provide direct fiscal benefits to the City in the form of sales tax revenues from the Project's restaurant, retail, and grocery store uses.

XII. GENERAL FINDINGS

1. The City, acting through the Department of City Planning, is the "Lead Agency" for the Project that is evaluated in the EIR. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the Project, that the Draft EIR which was circulated for public review reflected its independent judgment, and that the Final EIR reflects the independent judgment of the City.
2. The EIR evaluated the following potential project and cumulative environmental impacts: Aesthetics; Air Quality; Cultural Resources; Geology and Soils; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Noise; Population and Housing; Police Protection; Fire Protection; Schools; Parks and Recreation; Libraries; Transportation and Traffic; Tribal Cultural Resources; Water Supply; Wastewater; Solid Waste; and Energy. Additionally, the EIR considered Growth Inducing Impacts and Significant Irreversible Environmental Changes. The significant environmental impacts of the Project and the alternatives were identified in the EIR.
3. The City finds that the EIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.
4. The Department of City Planning evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Department of City Planning prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned response to the comments. The Department of City Planning reviewed

the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.

5. The Final EIR and Errata document changes to the Draft EIR. The Final EIR provides additional information that was not included in the Draft EIR. Having reviewed the information contained in the Draft EIR, the Final EIR and the Errata and in the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there are no new significant impacts, substantial increase in the severity of a previously disclosed impact, significant information in the record of proceedings, or other criteria under CEQA that would require recirculation of the Draft EIR, or preparation of a supplemental or subsequent EIR.

Specifically, the City finds that:

- a. The Responses To Comments contained in the Final EIR and the March 2020 Responses (i) fully considered and responded to comments claiming that the Project would have significant impacts or more severe impacts not disclosed in the Draft EIR, and (ii) include substantial evidence that none of these comments provided substantial evidence that the project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR.
- b. The City has thoroughly reviewed all of the public comments received regarding the Project and the Final EIR as it relates to the Project to determine whether under the requirements of CEQA, any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption and has determined that recirculation of the EIR is not required.
- c. None of the information submitted after publication of the Final EIR, including the Lozeau Drury Letter and testimony at and documents submitted for the public hearings on the Project, constitutes significant new information or otherwise requires preparation of a supplemental or subsequent EIR. The City does not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Final EIR, or a feasible mitigation measure or alternative not included in the Final EIR. The March 2020 Responses thoroughly address the comments in the Lozeau Drury Letter. Based on these expert Responses, the Draft and Final EIRs, the Errata, and other evidence in the record, the City finds that none of the comments in the Lozeau Drury letter constitutes significant new information or credible evidence of a new or increased Project significant impact or a feasible mitigation measure or alternative not included in the Final EIR.

6. The mitigation measures identified for the Project were included in the Draft and Final EIRs and the Errata. As revised, the final mitigation measures for the Project are described in the Mitigation Monitoring Program (MMP). Each of the mitigation measures identified in the MMP is incorporated into the Project. The City finds that, to the greatest extent possible, the impacts of the Project have been mitigated to less than significance by the feasible mitigation measures identified in the MMP.
7. CEQA requires the Lead Agency approving a project to adopt a MMP or the changes to the project which it has adopted or made a condition of project approval to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City serve that function. The MMP includes all the mitigation measures and project design features adopted by the City in connection with the approval of the Project and has been designed to ensure compliance with such measures during implementation of the Project. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts the MMP.
8. In accordance with the requirements of Public Resources Section 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the Project.
9. The custodian of the documents or other material which constitute the record of proceedings upon which the City's decision is based is the City Department of City Planning, Environmental Review Section, 221 North Figueroa Street, Room 1350, Los Angeles, California 90012.
10. The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.
11. The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the Project.
12. The EIR is a project EIR for purposes of environmental analysis of the Project. A project EIR examines the environmental effects of a specific project. The EIR serves as the primary environmental compliance document for entitlement decisions regarding the Project by the City and other regulatory jurisdictions.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 74761, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

- (a) THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The Vesting Tentative Tract Map was prepared by a Registered Professional Engineer and contains the required components, dimensions, areas, notes, legal description,

ownership, applicant, and site address information as required by the Los Angeles Municipal Code ("LAMC").

The 3.6-acre project site is located within the adopted Central City Community Plan area, which designates the site for Regional Center Commercial land uses with a corresponding zone of C2-4D-SN. Commercial zones in height district 4 would normally allow for a maximum floor area ratio of 13:1. However, the Project Site's "D" Limitation further limits maximum FAR on the Project Site to 6:1. Community Plan Footnote No. 3, which is applicable to the Regional Center Commercial land use designation, states that the D Limitation for Height District No. 4D limits FAR to 6:1, except with a maximum of 13:1 FAR with a Transfer of Floor Area Rights (TFAR). The Project is requesting a Transfer of Floor Area Rights for a maximum FAR of 9.42:1 in concurrent Case No. CPC-2016-4675-TDR-VCU-MCUP, and as such is consistent with the above provisions of the Community Plan. The Project Site is within the Historic Broadway Sign Supplemental Use District and would comply with all applicable signage provisions. The Project Site is not located within a specific plan area.

The Project Site is currently developed with five structurally distinct but internally connected buildings previously occupied by the Los Angeles Times offices, a bank, and other office uses. The buildings were constructed between the 1930s and 1970s, and range from four to 10 stories in height. The buildings include the eight-story Times Building, the 4-story Plant Building, the 10-story Mirror Building, the six-story parking structure, and the six-story Executive Building. The Project would demolish the Executive Building at the corner of W. 1st Street and S. Broadway and parking garage at the corner of W. 2nd Street and S. Broadway to allow for the development of the Project's new mixed-use component. New development, consisting of the 37-story "North Tower" and 53-story "South Tower" would contain a maximum of 1,127 residential units and up to 34,572 square feet of commercial floor area, and would be constructed above a five-story parking podium. The space below the podium would contain an additional nine (9) levels of subterranean parking. The combined commercial and residential floor area would total up to 1,135,803 square feet. The existing Times, Plant, and Mirror Buildings have a combined floor area of 376,105 square feet. In total, including new construction and existing buildings to remain, the Project proposes up to 1,511,908 square feet of floor area.

In conjunction with the Vesting Tentative Tract Map, the applicant is requesting an approval of a Transfer of Floor Area Rights (TFAR), a Vesting Conditional Use for Floor Area Averaging within a unified development, and a Master Conditional Use to permit the sale and dispensing of alcoholic beverages, which, if approved, would allow the proposed development. If not approved, the subdivider shall submit a tract map modification.

Therefore, as conditioned, the proposed Vesting Tract Map is consistent with the intent and purpose of the General Plan.

(b) **THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.**

For purposes of a subdivision, design and improvement is defined by Section 66418 of the Subdivision Map Act and LAMC Section 17.02. Section 66418 of the Subdivision Map Act defines the term "design" as follows: "Design" means: (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and

grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan. Further, Section 66427 of the Subdivision Map Act expressly states that the "Design and location of buildings are not part of the map review process for condominium, community apartment or stock cooperative projects."

Section 17.05-C of the Los Angeles Municipal Code enumerates design standards for Subdivisions and requires that each Tentative Map be designed in conformance with the Street Design Standards and in conformance to the General Plan. Section 17.05-C, third paragraph, further establishes that density calculations include the areas for residential use and areas designated for public uses, except for land set aside for street purposes ("net area"). LAMC Section 17.06-B and 17.15 lists the map requirements for a tentative tract map and vesting tentative tract map. The map provides the required components of a tentative tract map.

The vesting tentative tract map subdivision design includes the merger and resubdivision of the project site into nine lots for condominium purposes, for a development that would consist of up to 1,127 multi-family residential units and up to 34,572 square feet of new commercial floor area. The existing Times, Plant, and Mirror Buildings have a combined floor area of 376,105 square feet. In total, including new construction and existing buildings to remain, the Project proposes up to 1,511,908 square feet of floor area. Parking would be provided within four above-grade levels, and within nine (9) levels of subterranean parking.

The Project Site is comprised of nine existing lots. These nine existing lots are proposed to retain their same configuration under the proposed new subdivision. The design and layout of the map is consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the Los Angeles Municipal Code. Several public agencies (including the Bureau of Engineering, Department of Building and Safety, Grading Division and Zoning Division, Department of Water and Power, Bureau of Sanitation, Bureau of Street Lighting) have reviewed the map and found the subdivision design satisfactory, and have imposed improvement requirements and/or conditions of approval.

Bureau of Engineering requires dedications/easements and improvements along 1st Street, 2nd Street, and Broadway, in accordance with the City's Downtown Street Standards. Sewers are available and have been deemed adequate in accommodating the proposed project's sewerage needs, subject to conditions of approval. The subdivision will be required to comply with all regulations pertaining to grading, building permits, and street improvement permit requirements. Conditions of Approval for the design and improvement of the subdivision are required to be performed prior to the recordation of the tentative map, building permit, grading permit, or certificate of occupancy.

Further, the site is designated by the Community Plan for Regional Center Commercial land uses, corresponding to the C2-4D-SN Zone. The applicant is seeking a concurrent Transfer of Floor Area Rights, which is consistent with the provisions of the Community Plan and would allow for the development of the proposed project. Upon approval of the

entitlement requests, the design and improvement of the proposed subdivision would be consistent with the intent and purpose of the Community Plan.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The Project Site is currently developed with five structurally distinct but internally connected buildings previously occupied by the Los Angeles Times offices, a bank, and other office uses. The buildings were constructed between the 1930s and 1970s, and range from four to 10 stories in height. The buildings include the eight-story Times Building, the 4-story Plant Building, the 10-story Mirror Building, the six-story parking structure, and the six-story Executive Building. The existing on-site buildings comprise a total of 559,863 square feet of floor area. The project site is physically suitable for the proposed type of development. The topography of the Project Site and surrounding vicinity is relatively flat with a gentle slope to the south. The project site is located within an urbanized area. The project site is not located in a Methane Zone, Very High Fire Hazard Severity Zone, Alquist Priolo Zone, Fault Rupture Study Area, or landslide area.

The State of California Seismic Hazard Zone Map for the Los Angeles Quadrangle indicates that the Project Site is located in an area identified as having a potential for liquefaction. However, as discussed in the Project EIR, the foundations for the proposed tower structures and subterranean levels are anticipated to extend through the alluvial soils and into bedrock which is not susceptible to liquefaction or lateral spreading. In addition, historic drawings of the three structures to remain (Mirror Building, Plant Building, and Times Building) indicate that existing foundations appear to derive support in bedrock. Therefore, based on the anticipated depth of bedrock (20 to 25 feet below existing ground surface) and the historical perched groundwater depth of 20 to 25 feet, liquefaction and associated ground deformation, including lateral spreading, are not considered a potential hazard for the proposed structures or existing structures to remain.

The tract has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division prior to the recordation of the map and issuance of any permits. The Department of Building and Safety, Grading Division has issued a Soils Report Approval Letter, dated January 9, 2017, stating that the referenced reports are acceptable, provided that the project complies with applicable conditions. The recommendations from the January 9, 2017 letter have been imposed as Conditions of Approval of the tract map. Therefore, based on the above, the site will be physically suitable for the proposed type of development.

(d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The General Plan identifies, through its Community and Specific Plans, geographic locations where planned and anticipated densities are permitted. Zoning standards for density are applied to sites throughout the city and are allocated based on the type of land use, physical suitability, and future population growth expected to occur. The adopted Central City Community Plan designates the subject site for Regional Center Commercial land uses, corresponding to the C2-4D-SN Zone. Community Plan Footnote No. 3, which is applicable to the Regional Center Commercial land use designation, states that the D Limitation for Height District No. 4D limits FAR to 6:1, except with a maximum of 13:1 FAR

with a Transfer of Floor Area Rights (TFAR). The Project is requesting a Transfer of Floor Area Rights for a maximum FAR of 9.42:1, and as such is consistent with the above provisions of the Community Plan.

The Project Site is located within the Greater Downtown Housing Incentive Area. Pursuant to LAMC 12.22 C.3(c), the Project Site is not limited as to area requirements for the maximum allowed number of dwelling units. The proposed 1,127 multi-family residential units are thus consistent with the LAMC. Therefore, the Project's proposed density and proposed Floor Area Ratio are consistent with the general provisions and area requirements of the Planning and Zoning Code.

The project vicinity is characterized by a concentration of government-related uses, high- and mid-rise office buildings, residential buildings, hotels, retail uses, museums, and cultural districts. Surrounding uses to the east and to the south are also within the C2-4D Zone. To the north of the Project Site is Grand Park and the Civic Center area of Downtown Los Angeles. The area surrounding the Project Site includes numerous governmental buildings within the Public Facilities (PF) Zone, including the Los Angeles County Law Library, the 10-story Los Angeles County Stanley Mosk Courthouse, and the 10-story Kenneth Hahn Hall of Administration to the northwest of the Project Site. The 20-story Clara Shortridge Foltz Criminal Justice Center adjoins the north side of Grand Park. City Hall is located just to the northeast of the Project Site, and the 10-story Federal Courthouse is located to the west of the Project Site across Broadway. To the east of the Project Site across Spring Street is the 10-story Los Angeles Police Department (LAPD) Headquarters Building and the State of California Caltrans Building, occupying the block bounded by Main Street, 1st Street, Los Angeles Street, and 2nd Street.

The Project's floor area, density, and massing is appropriately scaled and situated given the uses in the surrounding area. The subject site is a relatively flat, infill lot in a developed urban area with adequate infrastructure. The area is easily accessible via improved streets, highways, and transit systems. The environmental review conducted by the Department of City Planning (Case No. ENV-2016-4676-EIR (SCH No. 2017061083), establishes that the physical characteristics of the site and the proposed density of development are generally consistent with existing development and urban character of the surrounding community. Therefore, the project site is physically suitable for the proposed density of development.

- (e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The EIR prepared for the project identifies no potential adverse impacts on fish or wildlife resources. The project vicinity is characterized by a concentration of government-related uses, high- and mid-rise office buildings, residential buildings, hotels, retail uses, museums, and cultural districts. The Project Site, as described in the EIR, is urbanized and built-out, and does not contain riparian or other sensitive natural community, and does not provide a natural habitat for either fish or wildlife. No water bodies or federally protected wetlands as defined by Section 404 of the Clean Water Act exist on the Project Site. The project site does not contain any natural open spaces, act as a wildlife corridor, contain riparian habitat, wetland habitat, migratory corridors, conflict with a Habitat Conservation Plan, nor possess any areas of significant biological resource value.

With regard to trees, as discussed in the Initial Study, the Project Site has been operating as an urban use for decades. At present, the adjacent street rights-of-ways (ROWs) are planted with 29 ornamental California Sycamore trees. Of these, 26 trees are considered to be more than 3 inches in trunk diameter. All 29 trees would remain under the Project. The Project would add a total of 17 additional California Sycamores along W. 1st Street, S. Broadway Street, S. Spring Street and W. 2nd Street. The Project would not remove any existing trees and would add trees and shrubs at the entrances to the Paseo and within the Paseo, which would increase ornamental plants and trees over existing conditions. Thus, the Project would not disturb any native or protected trees as defined by the Los Angeles Municipal Code (LAMC) Section 17.02 and impacts to street trees would be less than significant. In addition, the Project vicinity is highly urbanized and does not support habitat for candidate, sensitive, or special status plant species. Therefore, no impacts to candidate, sensitive, or special status plant species would occur.

However, the potential exists for protected bird species to be nesting in the street trees during Project construction. In order to avoid disturbance of nesting birds, Mitigation Measure BIO-MM-1 requires that any construction activities that occur during the nesting season (February 15 to August 31) shall require that all suitable habitat (i.e., street trees and shrubs) be surveyed for the presence of nesting birds by a qualified biologist before commencement of clearing and prior to grading permit issuance. The survey shall be conducted within 72 hours prior to the start of construction. If the required pre-construction survey detects any active nests, an appropriate buffer as determined by the biological monitor, shall be delineated, flagged, and avoided until the qualified biological monitor has verified that the young have fledged or the nest has otherwise become inactive. With implementation of these measures, which are conditions of approval on the tract map, impacts would be less than significant, and the proposed subdivision would not cause substantial environmental damage or substantially and avoidably injure tree resources.

As noted above, the project site is presently improved with existing office buildings, and does not contain any natural open spaces, act as a wildlife corridor, contain riparian habitat, wetland habitat, or migratory corridors. The EIR prepared for the project identifies no potential adverse impacts on fish or wildlife resources. The Project would not conflict with any protected tree ordinance or Habitat Conservation Plan, nor possess any areas of significant biological resource value. Therefore, the design of the subdivision would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

The proposed subdivision and subsequent improvements are subject to the provisions of the Los Angeles Municipal Code (e.g., the Fire Code, Planning and Zoning Code, Health and Safety Code) and the Building Code. Other health and safety related requirements as mandated by law would apply where applicable to ensure the public health and welfare (e.g., asbestos abatement, seismic safety, flood hazard management).

The Project is not located over a hazardous materials site or flood hazard area, and is not located on unsuitable soil conditions. The Project would not place any occupants or residents near a hazardous materials site or involve the use or transport of hazardous

materials or substances. The Phase I and Phase II Environmental Site Assessments conducted for the EIR did not encounter any Recognized Environmental Conditions on-site that would require mitigation. In addition, in the event that unforeseen suspect impacted soils are encountered during mass excavation activities for the future subterranean parking garage, such soil will be properly profiled and managed under a conventional soil management plan that will require removal, transport, and disposal of all impacted soils in accordance with all applicable regulatory requirements and under the oversight of all governmental agencies with jurisdiction.

The EIR fully analyzed the impacts of both construction and operation of the Project on the existing public utility and sewer systems, and determined that impacts are less than significant. The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the Hyperion Treatment Plant, which has been upgraded to meet Statewide ocean discharge standards. The subdivision will be connected to the public sewer system and will have only a minor incremental increase on the effluent treated by the Hyperion Treatment Plant, which has adequate capacity to serve the project. No adverse impacts to the public health or safety would occur as a result of the design and improvement of the site. Therefore, the design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

- (g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

The site is surrounded by public streets and private properties that adjoin improved public streets and sidewalks designed and improved for the specific purpose of providing public access throughout the area. The project site does not adjoin or provide access to a public resource, natural habitat, Public Park, or any officially recognized public recreation area. Needed public access for roads and utilities will be acquired by the City prior to recordation of the proposed tract. Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcel(s) to be subdivided and other design and improvement requirements.

Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 74761.

Vincent P. Bertoni, AICP
Advisory Agency



Alan Como, AICP
City Planner
Deputy Advisory Agency
AC;LI;MZ;WL

Note: If you wish to file an appeal, it must be filed within 10 calendar days from the decision date as noted in this letter. Such appeal must be submitted on Master Appeal Form No. CP-7769.

COVID-19 INTERIM APPEAL FILING PROCEDURES: Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, the Department of City Planning is implementing new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction. There are two options for filing appeals, which are effective immediately and described in the Interim Appeal Filing Procedures attached to this Letter of Determination.

For reference, the Department's Development Services Centers are located at:

Figueroa Plaza
201 North Figueroa
Street, 4th Floor
Los Angeles,
CA 90012
(213) 482-7077

Marvin Braude
San Fernando Valley
Constituent Service Center
6262 Van Nuys Boulevard,
Room 251
Van Nuys, CA 91401
(818) 374-5050

West Los Angeles
Development Services Center
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
(310) 231-2598

Forms are also available on-line at <http://planning.lacity.org/>.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

If you have any questions, please call Development Services Center staff at (213) 482-7077, (818) 374-5050, or (310) 231-2598.

COVID-19 UPDATE

Interim Appeal Filing Procedures

March 27, 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, the Department of City Planning is implementing new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction. There are two options for filing appeals, which are effective immediately and described below.

OPTION 1: EMAIL PLUS US MAIL

This is a two-step process including pre-clearance by email of the appeal application followed by application and payment submittal via US Mail.

STEP 1:

Email planning.figcounter@lacity.org with the subject line: **"Request to File Appeal."** In the email body provide:

- The case number
- Appellant contact information (name, email, telephone number)

Include as individual attachments to the email:

- Copy of Signed Appeal Application
- Justification
- Letter of Determination

City Planning staff will contact the appellant to confirm whether the appeal is complete and meets the applicable provisions of the Los Angeles Municipal Code (LAMC). The appellant will then be instructed to move forward with Step 2.

STEP 2:

Send appeal application via US Mail, postmarked no later than the last day of the appeal period. The package shall include:

- Original Appeal Application (wet signatures),
- Copy of email correspondence with City Planning staff (from Step 1)
- Appeal fee, check payable to the City of Los Angeles (\$109.47 for an aggrieved party, not the Project Applicant.)

Mail the appeal application to:

Department City Planning - Metro DSC
201 N. Figueroa St., 4th Floor
Los Angeles, CA 90012

City Planning staff will email and mail the appellant with a receipt for payment. Note: only the original application, email, and check need to be sent via US Mail. This ensures a standard envelope with standard postage is sufficient, and no trip to the Post Office is necessary. Steps 1 and 2 must both be completed. An email alone is not sufficient to satisfy appeal requirements.

OPTION 2: DROP OFF AT DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop off appeal applications and payment. **Drop off areas are monitored in secure locations outside the three DSCs (Metro/Downtown, Van Nuys, and West Los Angeles) and are available during regular business hours.**

City Planning staff will follow up with the appellant via email and phone to:

- Confirm that the appeal package is complete and meets the applicable provisions of the LAMC
- Provide a receipt for payment